

# BRIEFING FOR REGIONAL ADMINISTRATOR ATTACHMENT



AUGUST 2017

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# 1-HOUR SO<sub>2</sub> DESIGNATIONS ROUND 3

## AIR QUALITY DESIGNATIONS

### SUMMARY:

EPA is under a consent decree to complete a third round of area designations for the 1-hour sulfur dioxide (SO<sub>2</sub>) national ambient air quality standard (NAAQS) by December 31, 2017. EPA must designate the areas surrounding 20 sources in Arkansas, Louisiana, Oklahoma, New Mexico, and Texas:

- Flint Creek Power Plant (Benton County, AR)
- Entergy Arkansas- Independence Power Plant (Independence County, AR)
- Future Fuel Chemical Company (Independence County, AR)
- Plum Point Energy Station (Mississippi County, AR)
- Cabot Corp- Ville Platte Plant (Evangeline Parish, LA)
- CLECO Power- Brame Energy Center (Rapides Parish, LA)
- Louisiana Generating- Big Cajun II (Pointe Coupee Parish, LA)
- Entergy Gulf States- Nelson Electric Generating Station (Calcasieu Parish, LA)
- Entergy Gulf States- Nelson Industrial Steam Company (Calcasieu Parish, LA)
- Rain CII Carbon- Lake Charles Calcining Plant (Calcasieu Parish, LA)
- Orion Engineered Carbons- Ivanhoe Carbon Black (St. Mary Parish, LA)
- Columbia Chemicals- North Bend Plant (St. Mary Parish, LA)
- Cabot Corp- Canal Plant (St. Mary Parish, LA)
- San Juan Generating Station (San Juan County, NM)
- AEP/PSO- Northeastern Power Station (Rogers County, OK)
- Continental Carbon- Ponca City Plant (Kay County, OK)
- AES Shady Point- Cogeneration Plant (LeFlore County, OK)
- Public Service Co of Oklahoma- Oklaunion Power Station (Wilbarger County, TX)
- Holcim- ADA Plant (Pontotoc County, OK)
- AA Sulfuric Corp- Sulfuric Acid Plant (Ascension Parish, LA)

Our designation decisions will be based on modeling we received from the states and on all other available information. We received modeling from our states for the areas surrounding 15 of the sources. For 3 sources located in St. Mary Parish, Louisiana, we did not receive any modeling from the State. The AA Sulfuric Acid Plant in Louisiana and the Holcim Ada Plant in Oklahoma, took federally enforceable SO<sub>2</sub> emission limits, but did not submit modeling analyses.

### UPCOMING MILESTONES:

EPA is in the process of reviewing the submittals and modeling analyses we received from our states. EPA staff briefed the Air Division Director on our preliminary SO<sub>2</sub> designations recommendations in late February 2017. EPA staff has prepared Technical Support Documents that present the rationale for our intended SO<sub>2</sub> designations. The Technical Support documents are undergoing review by ORC, OAQPS, and OGC.

**BACKGROUND:**

On June 2, 2010, the EPA revised the primary SO<sub>2</sub> NAAQS by establishing a new 1-hour standard at a level of 75 parts per billion (ppb). The promulgation of a new or revised NAAQS triggers the designations process. EPA was under a statutory obligation to complete area designations for all areas of the country by June 2013, but did not meet this deadline. On July 25, 2013, EPA designated 29 areas in the country nonattainment, based on violating air monitoring data. Among the areas designated nonattainment in the first round of designations was one area in EPA Region-6 St. Bernard Parish, LA. In August 2013, the Sierra Club and the Natural Resources Defense Council (NRDC) filed a lawsuit against EPA over missing the deadline for completing SO<sub>2</sub> designations for remaining areas in the country. In March 2015, EPA and the Sierra Club/NRDC entered into a consent decree to resolve the designations deadline litigation. Under the terms of the consent decree, EPA completed a second round of SO<sub>2</sub> designations in June 2016. Under the terms of the consent decree, EPA must complete a third round of SO<sub>2</sub> designations by December 31, 2017 for any remaining undesignated areas in the country that did not deploy properly sited ambient air quality monitors by January 1, 2017. In EPA Region 6, the areas that must be designated by December 31, 2017, are those areas surrounding the 20 sources listed above.

**KEY EXTERNAL STAKEHOLDERS:**

Congress	Industry	<input checked="" type="checkbox"/> States	<input checked="" type="checkbox"/> Tribes	Media	Other Federal Agency
ASTDR	<input checked="" type="checkbox"/> NGO	<input checked="" type="checkbox"/> Other (name of stakeholder)			

States, Sierra Club/NRDC, public (will have an opportunity to submit comments)

**MOVING FORWARD:**

EPA reviewed the submittals received from our states and has prepared designation recommendations and supporting Technical Support Documents. EPA staff briefed the Air Division Director in late February 2017, on our preliminary SO<sub>2</sub> designations recommendations. EPA will publish a Federal Register notice announcing its intended SO<sub>2</sub> designations in August 2017 (tentative date), which will trigger a 30-day public comment period. The States will also have additional time to submit any additional information for EPA to consider before finalizing designations by December 31, 2017.





# BROWNFIELDS PROGRAM

## SUMMARY:

EPA Region 6 manages a robust brownfield program that has helped enable the transformation of Cities such as Dallas, Houston, Oklahoma City, Little Rock and others. The potential for this kind of rejuvenation exists in hundreds of other smaller communities in the Region if funding were available for expansion of the program. The number of entities applying for Brownfields funds increases annually but funding for the program has been flat or decreasing.

## UPCOMING MILESTONES:

The National annual announcement of Brownfield grantees was in May, and seven of the Region's 26 applicants received grants. Applications for next year's funding are due in September.

## BACKGROUND:

Since its inception, the Region 6 brownfields program has leveraged over \$2 billion in funds for redevelopment; 1,826 properties have been assessed with most of these properties going back into productive use, benefitting the economies of many communities. Over 16,448 jobs have been created with these leveraged projects.

The Region 6 Brownfield program currently manages 58 grants in Oklahoma City and Tulsa, OK; the West Arkansas Planning District, Southwest Arkansas Planning District and Pine Bluff, AR; Austin, San Antonio, Houston TX; and Silver City, NM.

Examples of brownfields benefits to communities in Region 6 include:

- Dallas- Brownfields assessment of a property that once had paint and chemical factory a coal gasification plant and a railroad tank car cleaning operation allowed the construction of the American Airlines Center, the Victory Plaza development containing hotels, restaurants, and a museum.
- Oklahoma City- received over \$8.5 million in funds which were utilized for assessment and clean-up of brownfield sites in Oklahoma City aiding the rejuvenation of downtown including the Devon Tower, the Skirvin Hotel, the Bricktown Fire Station, the Sky bridge, Lovelink Ministries, Chesapeake Energy Arena, Oklahoma City ballpark, and the Oklahoma City Library. 300 permanent jobs were created and \$70M leveraged in redevelopment.

- Little Rock- Pulaski County (AR) received over \$4 million in funds, utilized for the Creative Corridor Project which is the transformation of four blocks in downtown Little Rock, AR to an arts district. 40 permanent jobs have been created on Main Street.

#### KEY EXTERNAL STAKEHOLDERS:

☒ Congress      Industry      ☒ States      Tribes      ☒ Media      ☒ Other Federal Agency  
 NGO      Other (name of stakeholder) LOCAL GOVERNMENTS, TRIBES

There is significant public interest from environmental groups, local community, the local and national media, as well as local, state, and federal elected officials.

#### MOVING FORWARD:

Region 6 Brownfields has a robust outreach strategy which includes the Region 6 Brownfields Conference that occurs annually in June. Over 100 participants from communities with Region 6 attend this highly informative workshop on how to make Brownfields work for them.

Region 6 sends out a weekly newsletter to over 800 people in Region 6 that provides key information to communities on upcoming competitions and other vital Brownfields information.



# CHILDREN'S ENVIRONMENTAL HEALTH – TX & NM

## SUMMARY:

Improving children's health is fundamental to EPA's mission, and one of the fundamental strategies under the Border 2020 Environmental Program. Children along the border in Texas and New Mexico are impacted by high rates of asthma, obesity; exposures to pesticides, chemicals, mercury, lead, vector borne diseases; and poor water and air quality, among others. Children are more vulnerable to pollutants than adults due to differences in behavior and biology. U.S. border communities often face a great public health threat because of lack of basic services and adequate infrastructure, illegal dumping, substandard housing, lack of public spaces or parks, and other economic hardships.

The US-Mexico Border Program and EPA's Office of Children's Health funds grants to educate health workers who work directly with U.S. border communities on children's health issues. The trainings, which reached over 100 people in three U.S. border communities in 2016, focused on the Healthy Homes Curriculum and water-borne illnesses. EPA held two Children's Environmental Health Symposiums (El Paso, Texas – September 2015, Brownsville, Texas – August 2016) attended by over 280 participants which focused on: 1) education on how early childhood exposure can affect children's health; and 2) networking among the healthcare community and the public in order to better understand children's environmental health risks along the U.S.-Mexico Border.

EPA Border 2020 Program and the Southwest Center for Pediatric Environmental Health (SWCPEH) are organizing a third children's health symposium scheduled for July 27 and 28, 2017. Speakers will cover topics related to sports medicine, drug abuse, asthma, mosquito borne illness, extreme weather heat exhaustion, artificial turf toxicity and pesticides.

## UPCOMING MILESTONES:

EPA Border 2020 Environmental Education Taskforce (EETF) Public Meeting (Texas-New Mexico-Chihuahua Regional Workgroup) – On February 1 2017, the B2020 EETF held a public meeting in El Paso, Texas, to get input from local stakeholders on environmental education priorities for the Paso del Norte Region. Stakeholders identified several children's health topics as a priority in schools and within the community. EPA Border 2020 Program and the Southwest Center for Pediatric Environmental Health (SWCPEH) are organizing a third children's health symposium for late July 2017, which will focus on environmental health for school nurses and health and physical education teachers.

**BACKGROUND:**

EPA continues to work with partners to address binational environmental challenges and disproportionate health impacts that burden Border communities, especially children. Issues include mismanagement of pesticides, poor indoor and outdoor air quality, misuse of chemicals and other waste, poor water quality, and binational chemical emergencies. Informing healthcare professionals, public health practitioners, promotoras or community health workers, and the public about the crucial links between the environment and health is an essential to improve health outcomes in communities along the Border.

**EPA Actions:**

In June 2015 - September 2015, EPA Border 2020 Program in partnership with EPA's Children's Health Program provided seven trainings to community health workers and health professionals in El Paso, Laredo (2), McAllen (2), Edinburg, and Brownsville. The curriculum included: a) Essentials for Healthy Homes Practitioners, course developed by the National Center for Healthy Housing; 2) Healthy Homes and Asthma, 3) Household chemicals, 4) Carbon Monoxide and 5) "Bites and Stings", a course focused on understanding the dangers of insects and other animals found in rural and colonia areas. September 2015: EPA Region 6 held the first Children's Health Symposium "Children's Environmental Health on the Border: Protecting Children Where They Live, Learn, and Play" at the Texas Tech University Health Sciences Center in El Paso, Texas. Over 150 participants from binational federal, state, local governments, NGO's, academia, community health workers and health professionals from Texas, New Mexico, and Chihuahua attended. The symposium is part EPA's work with its partners to address binational environmental challenges and disproportionate health impacts that burden border communities, especially children. The goals of the symposium were: 1) teaching how early childhood exposure can affect children's health; and 2) networking among the healthcare community, promotoras, and the public in order to better understand children's environmental health risks along the U.S.-Mexico Border. Topics included children's environmental health in the areas of indoor and outdoor air, water, waste, e-cigarettes and tobacco use and household chemicals.

June 2016 - August 2016: EPA Border 2020 Program in partnership with EPA's Children's Health Program provided three trainings to 103 community health workers and health professionals in El Paso, McAllen and Harlingen, Texas. The trainings were provided through a grant to University of Texas School of Health Science Center in Houston to conduct the Health Homes curriculum.

August 2016: EPA Region 6 held the second Children's Health Symposium "Children's Environmental Health on the Border: Protecting Children Where They Live, Learn, and Play" at the University of Texas Rio Grande Valley medical campus in Brownsville, Texas. Over 130 participants from binational federal, state, local governments, NGO's, academia, community health workers and health professionals from the states of Texas, Coahuila, Tamaulipas, and Nuevo Leon attended. Like the first symposium, this effort is part of the EPA's work with its partners to address binational environmental challenges and disproportionate health impacts that burden border communities, especially children. The goals of the symposium were the same as the first symposium held in El Paso, Texas, with similar topics.

## KEY EXTERNAL STAKEHOLDERS:

☒ Congress     ☒ Industry     ☒ States     Tribes     Media     ☒ Other Federal Agency  
 ASTDR     NGO     ☒ Other (name of stakeholder) See Below

Federal Agencies: U.S. – Mexico Border Health Commission; Department of Health and Human Services; White House Strong Cities, Strong Communities;

STATES: Texas & New Mexico

Agencies: Texas Commission on Environmental Quality (TCEQ); New Mexico Environment Department (NMED); Texas Department of State Health Services – Office of Border Health in El Paso, Laredo and Brownsville; New Mexico Office of Border Health.

Local: West Texas Poison Control Center, City of El Paso, City of Laredo, City of Brownsville, City of McAllen, City of Edinburg

Academia: Texas Tech University Health Science Center – El Paso; University of Texas Rio Grande Valley (UTRGV); Texas A&M University Colonias Program

Other: Border Environmental Cooperation Commission; University Medical Center; Southwest Center for Pediatric Environmental Health (SWCPEH)

The EPA Border Program is built on a bottom-up approach. The input at the community and regional level is taken into account to help determine the priorities for the program, such that have been identified with Children’s Environmental Health. In order to facilitate the work that EPA conducts along the 1,000-mile stretch of the US-Mexico border, EPA must engage various partners to promote and conduct the activities under the Program.

## MOVING FORWARD:

The 2017 EPA Border 2020 Request for Proposals (RFP) included activities that addresses children’s environmental health priorities.



# FY2017 ENACTED OPERATING PLAN

## SUMMARY:

The agency is funded at \$8.06 billion. The appropriation bill provided EPA with funding that was one percent below FY2016's enacted level.

## UPCOMING MILESTONES:

September 30, 2017 – The agency's FY2017 ends.

October 1, 2017 – New fiscal year begins.

## BACKGROUND:

On May 5, 2017, President Trump signed the Consolidated Appropriations Act, 2017 into law. The Agency then created an operating plan, which was reviewed by OMB before being sent to Congress for approval in early June. The FY2017 Enacted Operating Plan was loaded by the Office of Budget into the Agency's accounting system, Compass, on June 16, 2017.

The FY2017 Enacted Budget funds the U.S. Environmental Protection Agency at \$8.06 billion. Our FY2017 appropriation includes a \$90.348 million rescission in the Environmental Program and Management (EPM), Science and Technology (S&T), and State and Tribal Assistance Grants (STAG) appropriation accounts. In a separate action, Public Law 114-254, the Agency was provided additional funds: \$100 million for Drinking Water State Revolving Fund and \$20 million for the Water Infrastructure Finance and Innovation Program account (WIFIA).

Region 6 received \$457.181 million from the Agency's FY2017 enacted operating plan. The distribution of funds by budget category is: Grants-\$327.225M, Payroll-\$107.218M, Contracts-\$15.331M, Working Capital Fund-\$3.591M, Travel-\$2.128, and Expenses 1.688M.

EPA's Full-Time Equivalent (FTE) ceiling in the FY2017 Enacted Budget was 15,408.1. This is just a small increase over the FY2016 Enacted FTE level for small additions to implement WIFIA and the Administrator's protective detail. Region 6 received 755.5 as our FTE ceiling.

**KEY EXTERNAL STAKEHOLDERS:**

<input checked="" type="checkbox"/> Congress	Industry	States	Tribes	Media	Other Federal Agency
ASTDR	NGO	Other (name of stakeholder) <u>Public</u>			

**MOVING FORWARD:**

The Agency currently does not have any indications as to what our final funding levels will end up being for FY2018.



# DEEPWATER HORIZON OIL SPILL

## SUMMARY:

Unprecedented in both scope and nature, the April 20, 2010 Deepwater Horizon oil spill was the largest oil spill in U.S. history. The spill dealt a heavy blow to the Gulf Coast region's natural resources and its natural resource-dependent economy. On April 4, 2016, a federal court in New Orleans entered an historic Consent Decree totaling about \$14.9 billion between the United States, the five Gulf States, and BP resolving claims for federal civil penalties and natural resource damages related to the spill.

EPA recognizes the importance of the Gulf of Mexico and its ecosystems and is committed to meeting our statutory and legal obligations under the Clean Water Act, Oil Pollution Act including natural resource damage regulations, RESTORE Act, and other statutes to restore Gulf resources injured by the spill in partnership with federal and state co-regulators. As the Agency lead for restoring natural resources damaged by the spill, OW contributes expertise and knowledge in water quality, environmental compliance, and habitat restoration to long term natural resources restoration under NRDA and to the Gulf Coast Ecosystem Restoration (RESTORE) Council's efforts to address ecosystem restoration, economic recovery, and tourism promotion in the Gulf Coast region.

## UPCOMING MILESTONES:

- January 2017 - NRDA Budget Submission
- March 2017 – Initiation of NRDA Independent Audit
- December 2016 – RESTORE Comprehensive Plan Update

## BACKGROUND:

In the wake of the spill the National Contingency Plan was revised to reflect EPA's designation as a Deepwater Horizon oil spill Natural Resource Damage Assessment (NRDA) Trustee. EPA created a NRDA program and the AA for Water serves as the Administrator's lead delegate as Designated Natural Resource Trustee Official; the OW AA also receives NRDA related notices under the Consent Decree, having signed it on behalf of the Agency. As a NRDA Trustee, EPA has a key opportunity to influence restoration of Gulf natural resources in the wake of the 2010 disaster. OW/OWOW organizes this complex cross-Agency effort and works closely with all relevant parts of EPA to develop and follow through on EPA's NRDA priorities. Upcoming activities include implementing the Consent Decree, MOUs, SOPs, and an independent audit; and selecting billions of dollars of long-term restoration projects.

Under the Consent Decree, BP must pay up to \$8.8 billion in natural resource damages, including \$1 billion BP previously committed to pay for early restoration projects and up to \$700 million to address unknown natural resource conditions. The NRDA designated federal trustees – NOAA, DOI, EPA, and USDA – and the five Gulf state trustees are jointly responsible for these funds and will use them to restore natural resources injured in the spill. The settlement funds EPA's work as a NRDA Trustee. The current allocation for EPA NRDA efforts over the next year is approximately \$1 million. EPA's NRDA funds are held in a Deepwater Horizon Restoration Trust Fund, established through the Department of Treasury and OMB. OW established an accounting and billing system for Agency staff working on DWH NRDA related matters, and work is carefully tracked and charged.

Under the 2012 Resources and Ecosystems Sustainability, Tourist Opportunities and Revived Economies of the Gulf Coast States Act (RESTORE Act), Congress established the Gulf Coast Ecosystem Restoration Council (the Council) and the Gulf Coast Restoration Trust Fund (Trust Fund).



Eighty percent of the Deepwater Horizon related CWA civil penalties are dedicated to the Trust Fund for environmental restoration, economic recovery projects, and tourism and seafood promotion in the five Gulf states. The Council membership includes the Governors of the five Gulf States, and the Secretaries of the U.S. Departments of Agriculture, Army, Commerce, Homeland Security and the Interior, and the Administrator for the U.S. Environmental Protection Agency. The U.S. Department of Agriculture currently serves as the Chair of the Council.

The Council administers 60 percent of the funds made available from the Trust Fund which is comprised of the Comprehensive Plan Component (30%), under which the Council selects from projects proposed by the member states and agencies, and the Spill Impact Component (30%), under which the states receive varying amounts based on a statutory formula.

EPA's Gulf of Mexico Program provides key leadership to the RESTORE Council's Steering Committee, coordinates engagement of EPA resources (GMP, R4, R6, OW, OGC) on numerous workgroups, and is implementing the following Council-assigned specific projects across the Gulf Coast region: \$2.5M Gulf of Mexico Conservation Enhancement Grant Program; \$2.1M Mobile Bay National Estuary Program; \$2.1M Tampa Bay Estuary Program; \$2.2M Gulf of Mexico Estuary Program (NW Florida).

#### KEY EXTERNAL STAKEHOLDERS:

× Congress	Industry	× States	Tribes	Media	× Other Federal Agency
× NGO	Other (name of stakeholder)				

#### MOVING FORWARD:

In April 2016, the NRDA Trustees published a Programmatic Damage Assessment and Restoration Plan (PDARP) and work was initiated on several tiered restoration plans focused in geographic areas (i.e. states) and restoration types (e.g., nutrients, habitat restoration, recreational use loss, etc.).

Guided by the December 2016 Updated Comprehensive Plan, the Restore Council will continue collaborating with key stakeholders to develop the next round of projects that will be considered for the Comprehensive Plan Component slated for approval in late 2018.

#### LEAD OFFICE / EPA REGION 6

#### OTHER KEY OFFICES/REGIONS:

NRDA Lead Office: OW. Joel Beauvais, OW DAA, NRDA Designated Natural Resource Trustee Official. Mary Kay Lynch, EAB Judge, and Ben Scaggs, Director GMP are Alternates to NRDA DNRTTO and Trustee Council designee. Benita Best-Wong, OWOW Director, Tom Wall, AWPD Director and Gale Bonanno, NRDA Senior Policy Advisor have Signatory Authority for NRDA Financial Resolutions.

RESTORE Lead Office: GMP. Stan Meiburg, Acting Deputy Administrator, Restore Council designee. Ben Scaggs, Director GMP, RESTORE Council Steering Committee designee and John Bowie, RESTORE Program Manager.

Other Key Offices/Regions: Region 4, Region 6, OGC, OCFO, OFA. NRDA Trustee Implementation Group Representatives: Alabama TIG - Chris Parker, R4; Florida TIG - Amy Newbold, GMP; Louisiana TIG - Brad Crawford, R6; Mississippi TIG - Troy Pierce, GMP; Texas TIG - Doug Jacobson, R6; Region-wide TIG - Tim Landers, OW; Open Ocean TIG - Gale Bonanno, OW.



# EPA LAB STUDY

## SUMMARY:

In 2012, EPA began an effort to collect and analyze extensive laboratory enterprise information to identify opportunities that would increase efficiency and effectiveness while ensuring the Agency's ability to provide the best research, science and technology critical to our mission. In 2014, a National Research Council - Lab Enterprise Recommendations report was produced for EPA. In 2015, EPA compiled a Lab Synthesis Report (aka 'Lab Study').

SmithGroup, consultant for architecture, engineering, and strategic planning for EPA's laboratory portfolio, analyzed costs of a baseline and four separate options to house the EPA Region 6 Houston Environmental Laboratory in their EPA Region 6, Houston, TX, Facility – Draft Master Plan Report dated 11/18/16 (R6 Report). An overriding and principal concern regarding the R6 Report is the options presented by SmithGroup were not discussed with Region 6 Management. Further, SmithGroup options are based on general, non-site specific scenarios, and its evaluation was based solely on cost factors such as facility square foot utilization, existing facility condition, construction/real-estate cost estimates, operational costs, and life cycle costs. Region 6 believes there are additional alternatives that must be assessed, and that non-cost factors should be considered regarding the value of the Region 6 Houston Environmental Laboratory. Region 6 has drafted a Fusion Report, in reply to options presented in the SmithGroup R6 Report, that offers site specific alternatives as well as non-cost factors for consideration and evaluation.

## UPCOMING MILESTONES:

Region 6 has one of six Regional laboratories that occupy space leased from private companies. EPA has already made decisions related to the developer leased laboratories in Region 4 and 8. The four remaining labs are facing lease expirations over the next few years and are currently being evaluated. Region 6 Houston Environmental Laboratory lease expiration date is June 30, 2020.

## BACKGROUND:

In 2011 and 2012, the U.S. Government Accountability Office (GAO) published three reports: one about EPA laboratories, a second about reducing the footprint of federal real property, and a third about streamlining the federal government. In the 2012 report titled Streamlining Government: Questions to Consider When Evaluating Proposals to Consolidate Physical Infrastructure and Management Functions, GAO recommended that EPA evaluate options to consolidate and co-locate its laboratory capabilities.

In December 2012, EPA began a study of its laboratory enterprise to identify opportunities to increase efficiency and effectiveness while ensuring the agency's ability to continue to provide the preeminent research, science, and technical support critical to advance our mission. EPA worked with SmithGroup to develop metrics, criteria, and a framework to help EPA analyze options to improve the efficiency of its laboratory facility portfolio.

EPA also requested a report from an independent expert committee of the National Research Council (NRC), the principal operating agency of the National Academy of Science, on strengthening the effectiveness of the EPA laboratory enterprise. The NRC committee began its work with EPA in Fall 2013, and EPA received the NRC final report in Fall 2014.

Using the NRC report, the SmithGroup analysis, and other sources of data and information, EPA developed the ‘Lab Study’ a summary recommendations report fully titled Synthesis Report of the US EPA Laboratory Enterprise Evaluation. The report recommended a number of actions to strengthen the efficiency and effectiveness of EPA’s laboratory portfolio. Among the actions the report recommended was development of site-specific master plans to manage EPA’s laboratory facilities as an integrated portfolio and strategically assess specific needs, estimate costs, savings and environmental benefits, and implement practical actions to improve the efficiency of EPA’s laboratory portfolio.

The Region 6 Houston Environmental Laboratory master plan analysis was initiated in August 2016, when SmithGroup visited the Houston Environmental Laboratory for on-site verification of facility data collected by EPA. Following that visit, SmithGroup began to explore options for housing the EPA Region 6 Houston Environmental Laboratory after the expiration of the current facility lease in 2020.

The EPA Region 6 Houston Environmental Laboratory is a full service analytical laboratory providing routine and specialty environmental analytical services for EPA programs in the five state region of Arkansas, Louisiana, New Mexico, Oklahoma, and Texas. More importantly, the Houston Environmental Laboratory is much more than just another analytical laboratory, as Lab staff are much more than bench chemists in that they support Regional programs with their expertise and technical support, including quality assurance, validation of other laboratories data and analytical reports, development of new methods, and method modifications for unique applications. The Houston Environmental Laboratory is proud to provide a significant amount of analytical depth, capacity, and experience to address the Agency’s critical science needs, providing a direct and sustainable value.

#### KEY EXTERNAL STAKEHOLDERS:

Congress	Industry	States	Tribes	Media	Other Federal Agency
NGO	Other (name of stakeholder) _____				

#### MOVING FORWARD:

Region 6 believes that the only option under review that supports the mission, retains the effectiveness of the organization, and provides a practical alternative to the status quo is relocation. Region 6 believes that relocation site alternatives are available and must be assessed, and has proposed four alternatives for consideration and further evaluation in the Fusion Report..



# ENVIRONMENTAL JUSTICE (EJ)

## SUMMARY:

EPA Region 6 developed Environmental Justice (EJ) Collaborative Action Plans for each Region 6 state. These community-based plans identify focus areas and key activities. Each workshop was planned with significant input from the EJ community, city and state representatives, and other federal agencies.

## UPCOMING MILESTONES:

R6 will update the Collaborative Action Plans semi-annually. The next update will be in December 2017.

## BACKGROUND:

Region 6 conducted EJ Training Workshops in each state to build the capacity of EJ community leaders and organizations so they could participate in developing tangible solutions to environmental issues that impact communities. Each workshop was planned with significant input from the EJ community and local state, and federal agencies.

### Workshop Dates and Locations:

June 2013 – Albuquerque, New Mexico

September 2013 – New Orleans, Louisiana

August 2014 – Houston, Texas

June 2015 – Little Rock, Arkansas

June 2016 – Oklahoma City, Oklahoma

Region 6 used the discussions and recommendations from the workshops to develop EJ Collaborative Action Plans for each of its five states. These community-based plans identify focus areas and key activities for a two-year period. The action plans also involve working with state government agencies. This has resulted in stronger partnerships and increased efforts to address environmental and public health issues in overburdened communities in the region. Lastly, the action plans assist the region in capturing and sharing accomplishments related to its EJ efforts in each state.

**KEY EXTERNAL STAKEHOLDERS:**

☐ Congress    ☒ Industry    ☒ States    ☒ Tribes    Media    ☒ Other Federal Agency  
☒ NGO    Other (name of stakeholder) \_\_\_\_\_

Partnerships at the federal, state, and local levels are key to addressing EJ Concerns. The regional action plans emphasize working with communities and state and federal agencies to achieve positive results

**MOVING FORWARD:**

Region 6 will continue to use the state action plans and EJ 2020 to support EPA's efforts to integrate EJ into all of its programs and to assist overburdened communities.



# INTENDED AIR QUALITY DESIGNATIONS FOR THE 2015 OZONE STANDARD

## SUMMARY:

On October 1, 2015, EPA revised the national ambient air quality standards (NAAQS) for ozone. The Clean Air Act (CAA) requires states to submit area designation recommendations to EPA within a year after promulgation of the revised NAAQS. If EPA's designation will differ from the state recommendation, EPA must notify the state at least 120 days before promulgating final designations and provide the state opportunity to comment on the intended modification.

## UPCOMING MILESTONES:

In early May 2018, our Regional Administrator will recommend to the Administrator our intended air quality designations for the 2015 ozone NAAQS. With the Administrator's approval, our Regional Administrator will provide our intended designations (the 120-day letter) to states by early June 2018. The Office of Air Quality Planning and Standards (OAQPS) will provide an announcement for the Federal Register.

## BACKGROUND:

In October 2016, we received area designation recommendations from all Region 6 states, but no tribal recommendations.

- Arkansas recommended entire State as attainment or unclassifiable/attainment.
- Oklahoma recommended entire State as attainment/unclassifiable.
- Louisiana recommended the 5-parish Baton Rouge area as nonattainment and remainder of Louisiana as unclassifiable/attainment.
- New Mexico recommended a portion of Southern Doña Ana County as nonattainment and the remainder of State as attainment, and attainment/unclassifiable. The City of Albuquerque/Bernalillo County recommended its entire area as attainment.
- Texas recommended the following as nonattainment and the remainder of Texas as attainment, and attainment/unclassifiable:
  - 8 counties in the Houston area,
  - 11 counties in the Dallas/Fort Worth area,
  - Bexar County in the San Antonio area, and
  - El Paso County.

**KEY EXTERNAL STAKEHOLDERS:**

☒ Congress      Industry      ☒ States      ☒ Tribes      Media      Other Federal Agency  
 NGO      Other (name of stakeholder) \_\_\_\_\_

We expect to receive comments from a wide audience, including states, local governments, environmental groups and the general public following release of the 120-day letters and the announcement in the Federal Register.

**MOVING FORWARD:**

For each area recommended as nonattainment, we are evaluating air quality monitoring data, emissions data, meteorology, geography, topography, and jurisdictional boundaries. We will use 2015-2017 monitoring data where available. The CAA directs EPA to designate as nonattainment any area violating the NAAQS or contributing to a violation in a nearby area.



# REGIONAL EJ QUARTERLY CALLS

## SUMMARY:

EPA Region 6 actively engages with environmental justice (EJ) communities by holding calls with community stakeholders to discuss upcoming projects and activities. The agendas for these meetings include updates on the state EJ Collaborative Action Plans and upcoming national and regional activities. The goal of the calls is to engage stakeholders, share information related to citizen's concerns, engage in meaningful discussions, and work collaboratively to address environmental issues impacting their communities.

## UPCOMING MILESTONES:

The next EPA Region 6 environmental justice quarterly call will be held in the fall of 2017.

## BACKGROUND:

In 2013, EPA Region 6 began hosting EJ workshops in each of the Region's five states (Arkansas, Louisiana, New Mexico, Oklahoma, and Texas). The workshops brought together grassroots organizations and partners, academia, local officials and government representatives to better understand concerns and challenges facing EJ communities. Participants discuss strategies and best practices for healthy communities, and discuss a collaborative action plan that addresses regional and state-wide EJ priorities.

The concerns and feedback provided during the workshops have served as the basis for an on-going dialogue with communities and organizations in Region 6. Region 6 continues to actively engage with environmental justice communities by holding calls with community stakeholders to discuss upcoming projects and activities. The agendas for these meetings include updates on the state EJ Collaborative Action Plans and upcoming national and regional activities. The goal of the calls is to engage stakeholders, share information related to citizen's concerns, engage in meaningful discussions, and work collaboratively to address environmental issues impacting their communities.



**KEY EXTERNAL STAKEHOLDERS:**

Congress	× Industry	× States	× Tribes	Media	Other Federal Agency
× NGO	× Other (name of stakeholder) <u>See Below</u>				

States: Arkansas Department of Environmental Quality (ADEQ), Louisiana Department of Environmental Quality (LDEQ), New Mexico Environment Department (NMED), Oklahoma Department of Environmental Quality (ODEQ), Texas Commission on Environmental Quality (TCEQ)

EPA Region 6 has worked closely with state partners to ensure substantive information regarding environmental justice communities is effectively circulated to citizens. Additionally, state partners participate in quarterly calls by providing updates on future and on-going activities involving environmental justice communities.

EPA Region 6 maintains a strong network of grassroots organizations, local community partners, academia, and NGOs. Region 6 works closely with the network to address the concerns and challenges facing EJ communities and to develop and implement strategies and best practices for healthy communities. Partners from each of the region's five states participate on quarterly calls and provide updates as needed.

**MOVING FORWARD:**

EPA Region 6 will work to advance environmental justice to a new level and make a more visible difference in the environmental and public health outcomes for all people. Strengthening our collaborations with the communities we serve, our governmental partners and interested stakeholders will be key to achieving this vision. EPA Region 6's environmental justice quarterly calls will continue to serve as an effective platform in achieving this goal.



# ILLINOIS RIVER MULTIJURISDICTIONAL NUTRIENT MODELING EFFORT

## SUMMARY:

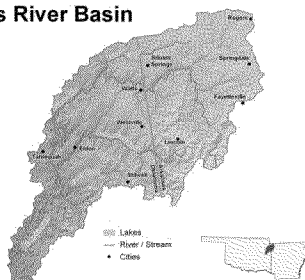
EPA continues developing technically robust and scientifically defensible water quality models of the Illinois River Watershed in northeast Oklahoma and northwest Arkansas. Once completed, the data can be used to help derive Total Maximum Daily Loads (TMDLs) for the watershed and reduce nutrient loadings in the watershed. The watershed is currently impaired as a result of nutrient loadings from municipal discharges and nonpoint sources (e.g., agricultural runoff).

## UPCOMING MILESTONES:

EPA plans to release the revised water quality models for public review and comment. EPA plans to release the revised water quality models for a 90-day review and comment period and to convene two informal public informational meetings within the watershed to provide an overview of the modeling and receive public comments.

## BACKGROUND:

Illinois River Basin



Under Section 303(d) of the Clean Water Act (CWA), states, territories, and authorized tribes (hereafter included in the term “state”) are required to biannually submit lists of impaired waters---waters that are too polluted or otherwise degraded to meet water quality standards. The law requires that the states establish priority rankings for waters on the lists and develop Total Maximum Daily Loads (TMDLs) for these waters. A TMDL is a “budget” of a sort including a calculation of the maximum amount of a pollutant that can occur in a waterbody while still maintaining water quality standards; and, allocating the necessary reductions to one or more pollutant sources.

A TMDL serves as a planning tool and potential starting point for restoration or protection activities with the ultimate goal of attaining or maintaining water quality standards.

Oklahoma’s Lake Tenkiller and portions of the Illinois River Watershed in northwest Arkansas and northeast Oklahoma are included on the states’ CWA section 303(d) lists of impaired waters. Phosphorus levels in the Illinois River are impacted by municipal discharges and nonpoint sources (e.g., agricultural runoff). Downstream impacts to Lake Tenkiller are reflected by high chlorophyll-a and low dissolved oxygen levels in the water, which result from nutrients including phosphorus.

Since 2009, EPA has worked on developing a water quality model of the Illinois River Watershed in northeast Oklahoma and northwest Arkansas. The endeavor model relies on two highly specialized computer models—a watershed and lake model—and is designed to reproduce conditions within the Illinois River Watershed. Once finalized, the models may be used to help establish TMDLs or alternative water quality restoration strategies for the watershed. EPA has developed draft watershed and lake models, and states, tribes, and local stakeholders have been engaged throughout the project. The models have been scientifically peer reviewed by independent third parties as well as by state and tribal partners. Region 6 is leading a technical workgroup to address stakeholder comments on the models. The workgroup includes representatives from state agencies in Arkansas, Oklahoma, and the Cherokee Nation.

#### KEY EXTERNAL STAKEHOLDERS:

☒ Congress    ☒ Industry    ☒ States    ☒ Tribes    ☒ Media    Other Federal Agency  
☒ NGO    ☒ Other (name of stakeholder) Agriculture

The poultry industry in Arkansas and Oklahoma is concerned that the modeling and possible subsequent TMDLs would adversely affect the land application of poultry litter in the watershed and provide a target loading for nonpoint reductions. Additionally, municipal wastewater treatment plants in the watershed are concerned that they may be required to reduce nutrient loadings to the watershed. These constituencies have engaged their congressional representatives.

#### MOVING FORWARD:

- Continue to refine the models with the local stakeholders and technical workgroup members.
- Engage the public in reviewing the calibrated models.



# LEAD REGION FOR INFORMATION TECHNOLOGY

## SUMMARY:

The Lead Region for Information Technology is responsible for representing all EPA Regions in discussions and decision-making processes, and for communicating the Agency's Information Technology/Information Management Strategic Advisory Committee recommendations, decisions, and implementation requirements to the other Regions. On a rotating basis, every two years, a regional office is designated by the Office of Environmental Information (OEI) as the Information Technology Lead Region to support OEI in its implementation of the Agency's information technology/information management (IT/IM) priorities. For Fiscal Years 2017 and 2018, Region 6 is serving as the IT Lead Region. Time, effort and other resources are required to support these efforts.

## UPCOMING MILESTONES:

The Agency's Chief Information Officer (CIO), regional Senior Information Officers and representatives from OEI comprise the CIO-Strategic Advisory Committee (CIO-SAC), which established the Agency's IT/IM Strategic Plan. As the IT Lead Region, ongoing support of OEI initiatives and IT/IM Priorities place Region 6 at the forefront of Agency efforts to ensure that those priorities, security requirements and implementation plans are clearly communicated and accomplished during the Fiscal Years 2017 – 2018 time frame. EPA's IT/IM Strategic Plan includes the following elements:

- Improve the way EPA supports and manages the lifecycle of information
- Modernize EPA's IT/IM infrastructure, applications and services
- Ensure that EPA's Cybersecurity posture responds to emerging threats
- Empower a mobile workforce using innovative and agile solutions
- Empower state and tribal partnerships using innovative and agile solutions
- Align IT/IM resources with EPA's Mission Priorities

## BACKGROUND:

The Lead Region system was established in 1984 to provide an organized, facilitative, and consistent mechanism for EPA Headquarters (HQ) and the ten regional offices to interact together as OneEPA. The system enhances EPA's ability to protect human health and the environment and is at the forefront of HQ initiatives in soliciting regional input on agency decisions, incentivizing participation, and leveraging effective communication.

A bi-weekly teleconference is held with the Agency's CIO, Deputy Regional Administrator (DRA), and the Region 6 Senior Information Officer (SIO) (also the Assistant Regional Administrator for Management, or ARA), to establish IT/IM priorities, review progress on initiatives, discuss related issues, and make decisions of Agency-wide significance. Cybersecurity and IT/IM budgeting issues are also considered. Decisions made in these meetings are subsequently communicated by OEI and the Lead Region down through the IT/IM governance structure.

A designated Lead Region Coordinator assists in this effort by coordinating the various IT/IM-related conference calls and meetings with SIOs, ARAs, Information Resources Management Branch Chiefs (IRMBCs), Information Management Officers (IMOs), and other IT/IM stakeholders. This individual also plays a major role in supporting the CIO-SAC meetings, weekly ARA teleconferences/meetings and other activities where IT/IM-related issues are discussed.

The Lead Region IRMBC chairs the periodic IRMBC meetings and teleconferences, co-chairs (with the OEI Office of Information Technology Director) the meetings and bi-weekly conference calls of the IT Operations Work Group, and supports the LRC and ARA/SIO in meeting IT Lead Region responsibilities.

#### KEY EXTERNAL STAKEHOLDERS:

× Congress	× Industry	× States	× Tribes	Media	Other Federal Agency
NGO	Other (name of stakeholder) <u>Legal Community, General Public</u>				

#### MOVING FORWARD:

Information availability and integrity are critical to EPA's mission and to ensure transparency of Agency operations to taxpayers, industry and other stakeholders. Cybersecurity risks are a burgeoning problem that will continue to provide challenges and will require adequate resources to ensure, particularly as EPA moves more of its computing and data storage to "the Cloud." Remote/off-site workers, whether at alternate work locations on in the field, will be dependent upon IT/IM to provide the access and data resources needed to perform work critical to accomplishing EPA's mission.



# NPDES GENERAL PERMIT FOR OIL & GAS EXPLORATION IN THE GULF OF MEXICO

## SUMMARY:

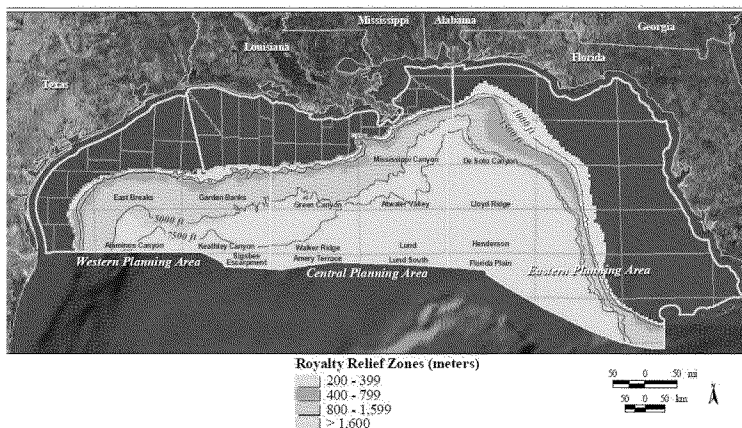
By September 30, 2017, EPA must reissue a National Pollutant Discharge Elimination System (NPDES) permit that covers new and existing sources engaged in oil and gas exploration, development and production activities in the Central and Western Gulf of Mexico. The permit will apply to facilities that fall under EPA permitting authority and expire in five years

## UPCOMING MILESTONES:

EPA plans to propose the permit in March 2017 with a 60-day public comment period.

EPA must reissue the permit by September 30, 2017.

## BACKGROUND:



CWA § 301(a) provides that the discharge of pollutants is unlawful except in accordance with the terms of a NPDES permit. 40 CFR § 122.28(c) requires EPA to issue general NPDES permits covering discharges from offshore oil and gas facilities within the Region's jurisdiction. For federally leased lands, the general permit area should generally be no less extensive than the lease sale area defined by the Department of Interior. General permits are mechanisms for authorizing discharges from a number of similar facilities through a single permit, rather than an

individual permit for each facility. In cases such as oil and gas extraction, where new facilities are likely to begin operating during the life of the permit, general permits can offer the flexibility of authorizing discharges from those new facilities without the need to issue a new permit for each new facility.

**KEY EXTERNAL STAKEHOLDERS:**

Congress    ☒ Industry    ☒ States    Tribes    Media    ☒ Other Federal Agency  
 NGO        Other (name of stakeholder)\_\_\_\_\_

EPA has met with representatives from Offshore Operators Committee, Gulf Coast Regulatory and Environmental Affairs Group, and International Association of Drilling Contractors who represent operators. EPA has also met with BOEM, BSEE and U.S. Coast Guard.

**MOVING FORWARD:**

- EPA plans to reissue the permit by September 30, 2017.



# MAKING A VISIBLE DIFFERENCE IN COMMUNITIES

## SUMMARY:

Under EPA's Making a Visible Difference initiative, Region 6 selected six communities to better coordinate and leverage resources throughout the agency. These projects focused on both longstanding environmental concerns and their relation to public health as well as emerging issues within communities. The following summaries describe the collaborative work accomplished and remaining within each MVD community.

## UPCOMING MILESTONES:

Region 6 will continue assisting communities and other stakeholders in leveraging resources and creating partnerships to solve environmental and public health challenges.

## BACKGROUND:

### Crossett, AR

Located in southeastern Arkansas with a population of 5,500, residents from the predominantly African-American community in West Crossett have been concerned for many years about air emissions and water discharges from the Georgia-Pacific LLC (GP) paper facility. One main concern involves the effects of long-term exposure to hazardous chemicals. Led by ORD, the region continues developing a conceptual site model in the community in order to address this major concern. Region 6 has also partnered with ADEQ and ADH to address concerns with GP's state-issued permits, area water quality standards, and area drinking water. The Region is engaged in negotiations with the company related to the Clean Air Act noncompliance found during a 2015 Agency inspection. The Region has also recently completed a 6-month hydrogen sulfide monitoring study at the GP facility and in the surrounding community.

### Cochiti Pueblo, NM

Pueblo de Cochiti is interested in using green infrastructure in land-use planning, stormwater management, infrastructure improvements, transportation planning and open space to enhance community and tribal lands. Technical assistance in green infrastructure, further assessment of brownfields, and potential area-wide planning projects have been discussed as ways EPA will assist the community in areas they targeted.

EPA led a green infrastructure workshop in the pueblo for local officials, residents, federal and state agency representatives, and other partners. Presentations showed how green and complete streets concepts could be applied in the pueblo while incorporating the pueblo's strong relationship with the environment and interest in retaining historic and cultural traditions. Attendees identified four focus areas—partnerships, education, strategy and implementation—to plan for long term viability of green and complete streets within the pueblo.

The pueblo received Targeted Brownfields Assessment Assistance on an abandoned gravel mine from EPA and Eight Northern Pueblo Councils Tribal Response Program from FY 2014-16. EPA is now providing contract support to identify sustainable reuse options for the mine through the Land Revitalization contract and to develop a cleanup plan through the Brownfields Interagency Agreement with US Army Corps of Engineers.



### Anthony, NM

Formed in 2010, Anthony, NM, encompasses 4 square miles with a population of 9,360, of which 97.4% are Hispanic. The city's unemployment rate is 8.4%, and 41.3% of residents live in poverty. The city does not own any of its utilities, and lacks sufficient land use strategies, public recreational facilities, and adequate zoning and subdivision regulations. EPA seeks to help stakeholders and utilities plan together for future growth.

With smart growth approaches that enhance neighborhoods and involve residents in development decisions, communities like Anthony are becoming vibrant places to live, work, and play, creating business opportunities and strengthening the local tax base in ways that are better for health and the environment. In early 2016, EPA and representatives from Housing and Urban Development, local governments, and other stakeholders discussed specific strategies the community could take to address their goals to strengthen the local economy provide infrastructure, revitalize the historic commercial centers and improve housing choices. The city is positioned to grow and can shape that growth and quality of life more sustainably based on their goals.

EPA, with help from Kansas State University (a technical assistance for Brownfields community grantee) and New Mexico Environment Department, conducted a Brownfields 101 webinar for Anthony in June 2016. The mayor of Anthony then requested Targeted Brownfields Assessment assistance for 216 North Main Street, a priority brownfields property. Future reuse plans for this property include mixed-use/retail. On June 19 and 20, 2017 a Green Infrastructure and Complete Street workshop was held, leveraging on EPA's tools and resources that linkages Land Use and Water Quality Initiatives,

### Alexandria/Pineville, LA

These communities contain multiple hazardous waste sites—including two active creosoting companies, two remediated EPA Superfund sites and a state-lead inactive waste site—all close to schools and residential areas that are 87% and 57% minority for Alexandria and Pineville, respectively. A Community Sustainability Initiative has begun finding sustainable solutions to health and environmental issues identified by the community.

EPA has held several meetings with community members, industry representatives, as well as interested environmental activists (General Honore' of the Green Army and Wilma Subra with the Louisiana Environmental Action Network). Based on concerns heard at these meetings, EPA organized a series of projects to address air and soil sampling, community outreach, and development of a Community Sustainability Network (CSN) for stakeholders to work together to resolve community concerns. EPA hosted the first CSN meeting on February 2, 2016. The CSN is currently being facilitated by State Representative Jeff Hall with the help of representatives of the Rapides Area Planning Commission.

A major goal of this project was to collect soil samples from local parks and schools and compile results with LDEQ air monitoring data from 2013 to 2015. The data will be available in an easy-to-read report which should help empower the community to discuss and resolve issues through the CSN. A Community Data Assessment Report summarizing projects carried out since 2015, is under LDEQ review.

### Choctaw Nation, OK

The Choctaw Nation requested brownfields assistance to redevelop a closed middle school complex into a native-serving Boys and Girls Club and new office space. This work includes abating asbestos and lead-based paint in buildings. Other priorities include:

- improving infrastructure and providing training and technical assistance to help the tribe comply with safe drinking water standards and build capacity
- developing Household Hazardous Waste outreach and collection events
- developing local food systems with support from the federal Local Foods, Local Places Initiative

Designation as a federal "Promise Zone" may bring additional support for local priorities.

### Unincorporated Texas Communities

In Texas, nearly 900 colonias, or unincorporated communities, lack adequate road paving, drainage or solid waste disposal, access to potable water, adequate wastewater disposal, or are un-platted. This amounts to 153,842 people living with potential serious environmental health risks. EPA is working with state, federal, local and NGOs to create plans for drinking water and waste water issues; flood-related septic tank challenges; emergency preparedness; and superfund outreach and public engagement. These communities include:

#### Cyndie Park II, TX

This neighborhood in Nueces Co., Texas, has about 50 residents, all reliant on private wells for drinking water. Water from these wells exceeds the national standard for arsenic. EPA is working with the community and the Texas Water Development Board to provide the residents of Cyndie Park 2 and surrounding neighborhoods with long-term source of safe drinking water.

#### Lower Rio Grande Valley (LRGV) Colonias – Including Alamo and Donna

EPA is working with community leaders representing 14 colonias, NGOs, local, state and federal partners to address a malfunctioning wastewater facility, the cleanup, enforcement and public awareness needs related to the Donna Canal Superfund Site. EPA designed an enhanced strategy to better prepare residents for man-made or natural disasters. EPA also helped the community begin a septic tank initiative. Residents in many subdivisions face significant health risks due to overflowing and non-functioning septic tanks during wet weather and flooding exacerbated by high water tables. EPA and its partners are working with the North Alamo Water Supply Corporation to develop a sanitary sewer system that assesses the problem, identifies priority areas, implements a training program and builds resources to help economically stressed residents.

EPA and its partners are also working with the North Alamo Water Supply Corporation to develop a sanitary sewer system. When completed, the project will result in an estimated 471 new domestic sewer connections benefiting a population of 1,680 residents.

#### Sandbranch, TX

EPA has facilitated conversation between many partners, including Dallas County, USDA, FEMA, USACE, TCEQ and community leaders to explore drinking water and wastewater options for an unincorporated community with about 40 residents that sits about 30 miles SE of Dallas in a floodplain. EPA examined past failed efforts, brought additional players to the table, and led discussions to develop a joint agreement on the feasibility of a solution to the issue.

### KEY EXTERNAL STAKEHOLDERS:

Congress	✗ Industry	✗ States	✗ Tribes	Media	✗ Other Federal Agency
✗ NGO	Other (name of stakeholder) <u>Elected Community Officials</u>				

LEAD OFFICE / EPA REGION 6

OTHER KEY OFFICES: OEJTIA



# MINOR NSR PUBLIC PARTICIPATION

## SUMMARY:

The EPA is reviewing SIP revisions for minor NSR permit public participation requirements in Oklahoma. The proposed revisions were to Oklahoma Administrative Code Chapters 4 and 100. Potential deficiencies concern the State's "Tier 1" category permitting application process which does not require the opportunity for public comment on permitting actions for minor facilities (sources) and minor modifications to existing major sources. The Region has not started concurrence on this action and is still in discussions with the ODEQ.

## UPCOMING MILESTONES:

Continue discussions with ODEQ on minor NSR regulatory program SIP submittals and SIP gap resolution path.

## BACKGROUND:

Federal air regulations require notice and opportunity for public comment as part of the minor NSR permitting programs. The Region has discussed the prospective actions with the States' air permitting authority and attempted to find other solutions such as pursuing revised rulemaking at the State level. Any SIP actions require signature by the Regional Administrator. EPA is discussing broader NSR program changes in Oklahoma at the State's request.

**KEY EXTERNAL STAKEHOLDERS:**

Congress      ☒ Industry      ☒ States      Tribes      Media      Other Federal Agency  
 NGO      ☒ Other (name of stakeholder) Citizens not officially notified of proposed permit  
actions

Oklahoma Department of Environmental Quality, and the community who may not be officially notified of proposal permit actions that could affect them.

**MOVING FORWARD:**

Oklahoma: Continue discussions with ODEQ.



# REMEDIAL ACQUISITION FRAMEWORK

## SUMMARY:

For the last 10 years, all regional offices have used full-service RemedialAction Contract system for federally funded assessment and cleanup of Superfund sites. Under this contracting system, Headquarters awards these contracts after national competition. The Region 6 contracts are scheduled to expire in 2019. The Office of Management and Budget stated EPA needed to develop a replacement contract mechanism with the goal to maximize competition, realize cost efficiency and strengthen the contract management processes. EPA developed a replacement contracting process called the Remedial Acquisition Framework. Under this new system, replacement contracts will be awarded nationally and each region will have up to 10 contractors in each of three categories: site investigation, remedial design, and remedial construction. Regions will be responsible for obtaining competitive bids from contractors in each category for individual task orders.

## UPCOMING MILESTONES:

Transition to the Remedial Acquisition Framework system is scheduled to begin in 2019.

## BACKGROUND:

For the last 10 years, all regional offices have used full-service RemedialAction Contract system for federally funded assessment and cleanup of Superfund sites. Under this contracting system, the same contractor worked on all phases of worksite investigation, remedial design, and remedial construction. Headquarters awarded these contracts after national competition.

After several audits that criticized the use of a single contractor to perform all site work, the Office of Management and Budget stated EPA needed to develop a replacement contract mechanism with the goal to maximize competition, realize cost efficiency and strengthen the contract management processes. EPA developed a replacement contracting process called the Remedial Acquisition Framework.

KEY EXTERNAL STAKEHOLDERS:

Congress      Industry      States      Tribes      Media      Other Federal Agency  
NGO      x Other (name of stakeholder) Contractors

MOVING FORWARD:

This system will meet the OMB goal to maximize competition, but at a cost to EPA staffing. The new process will be labor intensive, increase administrative costs of cleanup and add a year or more to the time required to address the site. Further delays could also result from bid protests among the qualified contractors. Since the Superfund budget has been flat for several years, the increased administrative costs will result in less money available for site work.

The schedule for awarding the Remedial Acquisition Framework contracts has been delayed by at least a year. If further delays occur, site cleanups could be halted indefinitely.



# RCRA LAND REVITALIZATION PROGRAM

## SUMMARY:

Over the last 20 years, EPA Region 6 has been a national leader in the RCRA Program by assisting states in streamlining the cleanup process and promoting the productive reuse of properties that have been investigated and, if necessary, cleaned up. Region 6 developed several tools now used nationwide to improve site cleanups and reuse opportunities, saving site owners money and time.

## UPCOMING MILESTONES:

EPA is developing reuse decisions on several properties in Texas and Arkansas. EPA will provide land revitalization training to new project managers at the Louisiana Department of Environmental Quality this year.

## BACKGROUND:

Over the last 20 years, Region 6 has been a national leader in the RCRA Program by assisting our states in streamlining the cleanup process, and promoting the productive reuse of properties that have been investigated and, if necessary, cleaned up.

Contaminated properties (real or perceived) can sit idle, abandoned, or underutilized because of disincentives in investigating and remediating sites, such as unrealistic remedial objectives, cost, liability issues, lack of formal recognition that environmental conditions are protective prior to achieving final cleanup objectives, etc.

In 2000, Region 6 developed the Corrective Action Strategy (CAS) to streamline and accelerate corrective action. Region 6 states and companies use the CAS to complete investigations and cleanups more quickly and efficiently by helping them define their environmental obligations and requirements up-front, thus allowing for better planning and implementation of remedies that are both cost-effective and protective of human health and the environment.

In 2002, Region 6 developed the Ready for Reuse (RfR) concept to measure remedial progress in the corrective action process. It then became a cross-program benchmark for all EPA/State land-based cleanup programs. RfR expedites investigation and remediation of sites by considering the end use of a property up front, and facilitates their reuse/redevelopment by clearly explaining the technical basis for the determination, the property's environmental conditions, and any land use limitations. The RfR assures stakeholders by affirming conditions on a property are protective of human health and the environment based on its current and planned future use.

These tools have helped companies save money and achieve significant progress at contaminated sites across Region 6. Because of CAS or RfR determinations, site owners have secured loans and investments, become eligible for grants, saved millions of dollars, and shortened cleanup timelines by several years.

Region 6 has partnered with our states to jointly issue approximately 45 RfRs for 67 sites, encompassing about 20,000 acres, and spanning numerous land based cleanup programs. One noteworthy RfR success story is Legacy at Arts Quarter in downtown Oklahoma City, Oklahoma. Working with Housing and Urban Development (HUD), Region 6 issued a joint RfR with the State of Oklahoma to affirm the site was "clean." As a result, HUD underwrote the GMAC Commercial Mortgage loan for the redevelopment of the property as a mixed-use apartment complex. ([www.epa.gov/ok/ready-reuse.oklahoma](http://www.epa.gov/ok/ready-reuse.oklahoma))

**KEY EXTERNAL STAKEHOLDERS:**

Congress	× Industry	× States	× Tribes	Media	× Other Federal Agency
NGO	Other (name of stakeholder)				

**MOVING FORWARD:**

Example future RCRA technical assistance opportunities:

- WJ Smith – EPA used the RfR determination to close out an enforcement order by showing all elements of the order had been completed and the property was safe for redevelopment, with institutional and engineering controls in place to ensure remedy protectiveness. The property is located in downtown Denison, TX, and is the largest single vacant property left within the city limits. A prospective purchaser expressed interest in redeveloping property with the backing of the RfR.
- Rogers Delinted Cottonseed – This high priority facility was obtained by the City of Robstown, TX, in 2012. EPA provided site assessment and removal assistance to help move the site to closure. EPA is developing an RfR determination to close out the EPA order and help the city redevelop the property.
- Parker Solvents – This facility is a solvent blending company in Little Rock, AR, with limited funds for site assessment and cleanup activities. EPA helped the State by conducting groundwater sampling and a vapor intrusion study to rule out exposure from contaminated groundwater to indoor air.
- Region 6 is scheduled to provide land revitalization training to new LDEQ project managers in FY17.





# TAS LEAN PROJECT

## SUMMARY:

The last four Treatment in a Similar Manner as States (TAS) applications for water quality standards have taken over two years to approve, and a current Clean Air Act grant TAS application is approaching two and a half years for approval. The length of recent approvals was raised by an applicant (the Pueblo of Laguna) at a July Regional Tribal Operations Committee (RTOC) meeting, and EPA Region 6 senior leadership agreed to examine the issue. This examination led to a creation of a Lean project focused on reducing the time required for approval of a TAS application.

## UPCOMING MILESTONES:

A Lean project team comprised of EPA Region 6 and tribal partners (Citizen Potawatomi Nation, Kickapoo Tribe of Oklahoma and the Quapaw Tribe of Indians) have held two in-person meetings to review the current TAS application process and develop recommendations to improve the process and improve efficiencies. The team will hold conference calls to develop implementation and communication plans for the project. The team will also provide an update at the April Regional Tribal Operations Committee (RTOC) and Tribal Summit meetings.

## BACKGROUND:

The Clean Water Act, Safe Drinking Water Act, and Clean Air Act emphasize the role of states in protecting the environment and public health and allow EPA to authorize states to implement their own programs in lieu of the federal program (referred to as program authorization). From 1986 to 1990, Congress amended these three acts to authorize EPA to treat pueblos and tribal nations in a similar manner as a state (TAS) for purposes of program authorization.

Under EPA's implementation of the Clean Water Act, a tribe may submit a request to EPA for TAS status and a request for approval of its adopted water quality standards (WQS), either separately or at the same time. Section 518 of the Clean Water Act lists the eligibility criteria EPA will use to approve TAS status and to authorize Indian tribes to administer Clean Water Act programs.

Region 6 currently has 13 pueblos and tribal nations that have achieved TAS status for WQS, and 11 pueblos have federally-approved WQS. Another tribal nation, the Citizen Potawatomi Nation, is currently in the TAS approval process.

Regarding grant TAS, currently Region 6 has 49 pueblos and tribal nations approved for CWA Section 106 (two applications pending), 16 approved for CWA Section 319 (three applications pending) and four approved for CAA Section 105 (one application pending).

To be approved for TAS, which is a prerequisite for obtaining program authority under the three environmental acts, a tribe must demonstrate its eligibility by showing that it (1) is officially recognized by the Secretary of the Interior, (2) has a governing body that is currently carrying out substantial governmental duties and powers over a defined area, (3) has jurisdiction over the land where the resources are located, and (4) is capable of administering the program. For tribal nations in Oklahoma seeking regulatory TAS status, an Environmental Cooperative Agreement must be signed with the State of Oklahoma.

Lean Government

Lean Government is a proven approach to fostering excellence and continuous improvement in government processes and services. EPA headquarters and regional offices are using Lean methods to dramatically improve process speed, effectiveness, transparency, and efficiency. Region 6 has a number of completed and planned Lean projects.

**KEY EXTERNAL STAKEHOLDERS:**

☒ Congress      Industry      ☒ States      ☒ Tribes      Media      ☒ Other Federal Agency  
NGO      Other (name of stakeholder) \_\_\_\_\_

EPA Region 6 Pueblos and Tribal Nations are interested in the project and will be provided an update at the April RTOC and Tribal Summit meetings. Region 6 States will be provided an update on the project through the Lean program. The Bureau of Indian Affairs is a key partner in providing information used in the TAS application approval process.

**MOVING FORWARD:**

The Lean project team will hold conference calls to develop implementation and communication plans for the project.

The Lean project team will provide an update on the project at the April RTOC and Tribal Summit meetings.

EPA Region 6 will use the lessons learned during the current Lean project to assist in the application approval process for the TAS applications currently at the Region. This includes holding regular check-in calls with the applicant tribes to provide an update on their applications.



# COLONIAS – BORDER STATES (TEXAS & NEW MEXICO)

## SUMMARY:

A colonia is an underserved community along the US–Mexico border that may lack basic living necessities such as potable water, septic or sewer systems, electricity, or safe and sanitary housing, creating a number of health threats for residents of these communities. They also deal with illegal dumping, unpaved roads, substandard housing, food deserts, lack of public spaces and parks, access to proper health care and education opportunities, as well as other economic hardships. In these areas, particularly in south Texas, agriculture is a huge industry and potential exposure to pesticide/insecticide spraying is often a concern for residents. Of the four US border states, Texas has the largest number of colonias (2,294) and the largest colonia population of approximately 400,000 inhabitants.

## UPCOMING MILESTONES:

EPA held Border 2020 Taskforce public meetings to get input from the public and border stakeholders on priorities. The agencies that work in colonias attend these meetings and provide input to EPA on environmental priorities in these underserved communities. EPA will enter these priorities in the Region’s work plan, just as it does with other issues raised by the public at a Task Force meetings. The issues will then be considered for inclusion in the next Request For Proposals for the Border Program.

EPA Border 2020 Environmental Education Taskforce (EETF) Public Meeting (Texas-New Mexico-Chihuahua Regional Workgroup) – On February 1, the B2020 EETF held a public meeting in El Paso, Texas, to obtain input from local stakeholders on environmental priorities for the Paso del Norte Region, that includes

## BACKGROUND:

EPA continues to work with partners to address binational environmental challenges and disproportionate health impacts that burden Border communities, including colonias. Issues include mismanagement of pesticides, poor indoor and outdoor air quality, misuse of chemicals and other waste, poor water quality, and binational chemical emergencies. As part of the Border Program, EPA worked with several border stakeholders.

EPA Actions: In 2013 and 2015, EPA, through the Border Environmental Cooperation Commission, awarded Border 2020 grants to colonias in southern New Mexico and West Texas for education on proper septic tank decommissioning and maintenance required by state standards. The projects revealed that many septic tank users aren’t aware of requirements or, often for financial reasons, are unable to properly maintain their septic tanks. One project worked to bring private septic tank businesses to work with colonia residents to provide lower-cost maintenance.

In June 2015 – August 2016, EPA Border 2020 Program partnered with EPA’s Children’s Health Program to provide 10 trainings to community health workers and health professionals in El Paso (2), Laredo (3), McAllen (2), Harlingen, Edinburg, and Brownsville. The curriculum for the trainings in Texas included: a) Essentials for Healthy Homes Practitioners, course developed by the National Center for Healthy Housing; 2) Healthy Homes and Asthma, 3) Household chemicals, 4) Carbon Monoxide and 5) “Bites and Stings”, a course focused on understanding the dangers of insects and other animals found in rural and colonia areas. Community health workers learned to provide the material to colonia residents through various NGOs or other institutions.

workers learned to provide the material to colonia residents through various NGOs or other institutions. September 2015 & August 2016: EPA Region 6 held two Children's Health Symposiums "Children's Environmental Health on the Border: Protecting Children Where They Live, Learn, and Play" in El Paso, Texas (2015) and Brownsville, Texas (2016). Over 280 participants from binational federal, state, local governments, NGO's, academia, community health workers and health professionals. The symposiums are part of EPA's continuous work with its partners to address binational environmental challenges and disproportionate health impacts that burden border communities such as colonias. Topics included children's environmental health in the areas of air (indoor and outdoor), water, waste, e-cigarettes and tobacco use and household chemicals. Community health workers could take their new training into the colonias to provide the material to colonia residents through various NGOs and other institutions.

August 2016: EPA Border Program, along with the Environmental Justice Program, worked with border stakeholders in the Lower Rio Grande Valley to plan a conference on emergency preparedness and recovery efforts for colonias. Border 2020 Program partially funded the event. The workshops covered information from fire prevention to food safety and storage after an emergency. The plenary sessions included a review of the county evacuation plans, a panel on disaster housing, and a family emergency planning session.

#### KEY EXTERNAL STAKEHOLDERS:

Federal Agencies: U.S. – Mexico Border Health Commission; Department of Health and Human Services; White House Strong Cities, Strong Communities

STATES: Texas & New Mexico

Agencies: Texas Commission on Environmental Quality (TCEQ); New Mexico Environment Department (NMED); Texas Department of State Health Services – Office of Border Health in El Paso, Laredo and Brownsville; New Mexico Office of Border Health; Texas Secretary of State Colonia Program.

Local: West Texas Poison Control Center, City of El Paso, City of Laredo, City of Brownsville, City of McAllen, City of Edinburg

Academia: Texas Tech University Health Science Center – El Paso; University of Texas Rio Grande Valley (UTRGV); Texas A&M University Colonias Program

Other: Border Environmental Cooperation Commission; University Medical Center; Southwest Center for Pediatric Environmental Health (SWCPEH); A Resource In Serving Equality (ARISE), La Unión del Pueblo Entero (LUPE), Texans Recovering Together, El Valle District of the United Methodist Church, First United Methodist Church of Donna, Food Bank of the RGV, Alamo Water Supply Corporation, the Community Development Corporation of Brownsville, Hidalgo County Precinct 2, Rio Delta Engineering, BC Workshop.

#### MOVING FORWARD:

EPA Border 2020 Program will conduct a Request For Proposals (RFP) during the 2nd/3rd quarter of 2017. Some of the priorities under the RFP will support activities addressing concerns identified at border wide Task Force public meetings as well as issues that have been identified in underserved communities/colonias.



# US-MEXICO BORDER PROGRAM – B2020

## SUMMARY:

EPA and Mexico's Ministry of Environment and Natural Resources (SEMARNAT), in partnership with U.S. Border tribes and federal, state and local governments in the United States and Mexico, have work toward fulfilling the Border Program's mission of protecting the environment and public health, consistent with the principles of sustainable development, defined and given by the framework of the 1983 La Paz Agreement. The agreement contains an organizational structure of coordinating bodies that include U.S. tribes and states' executive officers and chairmanship of the Regional Administrator and Mexico's Federal Delegate convening as a Regional Work Group (RWG). The RWGs identify and prioritize regional implementation efforts that address the goals and objectives of Border 2020 (B2020). Within R6 we have two RWGs: New Mexico-Texas-Chihuahua that include the Ysleta del Sur Pueblo Tribe, and the Texas-Coahuila -Nuevo Leon-Tamaulipas that include the Kickapoo Traditional Tribe of Texas.

## UPCOMING MILESTONES:

At a biennial meeting, the two R6 RWGs review the status of the existing 2-year action plans, and accept priorities to be included in the upcoming 2-year action plans. The Regional Administrator, as RWG Chair, will recommend those issues in the RWG's 2-Year Action Plan to the National Coordinating Body at EPA-OITA and UCAI-SEMARNAT.

## BACKGROUND:

The La Paz Agreement signed by Presidents Ronald Reagan and Miguel de la Madrid in 1983 established a framework for cooperating on environmental problems that has been carried by subsequent presidential administrations in the U.S. and Mexico. EPA and Mexico's SEMARNAT are jointly charged with searching for and implementing solutions to shared problems related to air, water and land pollution. Both countries recognize the importance of a healthy environment to the long-term economic and social well-being of present and future generations resolved to collaborate on addressing binational environmental problems of common concern, within the framework of the respective laws and regulations of the U.S. and Mexico.

B2020 is the latest cooperative effort implemented under the 1983 La Paz Agreement. It builds on previous binational efforts, particularly B2012, which emphasized a regional, bottom-up approach as the basis for decision making, priority setting, and project implementation to address the environmental and public health problems. In addition to incorporating this approach in its framework, B2020 identified five long term-strategic goals to address environmental and environmental health challenges in the border region. Within the five goals are objectives that identify priorities for partners to work on by agreeing on 2-Year Action Plans, which also outline implementation strategies to accomplish objectives based on available resources, emerging issues, and regional and community priorities.

In order to ensure effective program implementation, cooperation, and commitment, EPA and SEMARNAT provide guidance and oversight to B2020 Coordinating Bodies: policy forums and Regional Work Groups (RWGs). Each of the coordinating bodies work on border issues bringing to bear their diverse and complementary perspectives. RWGs will create and oversee local task forces. RWGs are multi-media and geographically focused, emphasizing regional public health and environmental issues. Each RWG should have at least one state and one federal co-chair from each country.

**KEY EXTERNAL STAKEHOLDERS:**

Congress	Industry	× States	Tribes	Media	× Other Federal Agency
× NGO	× Other (name of stakeholder) <u>See Below</u>				

The Regional Work Groups are comprised of the Texas Commission for Environmental Quality (TCEQ), New Mexico Environmental Department (NMED), State of Chihuahua Secretariat for Urban Development and Ecology (SDUE) and Ysleta del Sur Pueblo (YDSP). The work group for the States of Coahuila-Nuevo Leon-Tamaulipas-Tx, is comprised of TCEQ, State of Coahuila Environment Secretariat (SUMA), the State of Nuevo Leon, SEDESU, Secretariat for Environment and Urban Development of Tamaulipas, SEDUMA, and the Kickapoo Traditional Tribe of Texas.

**MOVING FORWARD:**

EPA's Regional Work-Group (RWG) Chair, the Regional Administrator, will approve the upcoming 2-Year Action Plans that resulted from the biennial public meetings. The meetings took place in El Paso, Texas on February 14, 2017 for the Texas-Chihuahua-New Mexico region that includes the Ysleta del Sur Pueblo, and in Laredo, Texas on February 16, 2017 for the Texas-Coahuila-Nuevo Leon-Tamaulipas region that include the Kickapoo Traditional Tribe of Texas. These biennial meetings advance the B2020 goals and objectives.



# US-MEXICO BORDER GRANTS

## BORDER 2020 GRANT PROGRAM

### SUMMARY:

The Border Environment Cooperation Commission (BECC) is an international organization created by the Governments of the United States and Mexico under a side agreement to the North American Free Trade Agreement, in order to help address environmental infrastructure needs in the border region between both countries. The BECC administers the Request for Proposals, oversees the receipt and review of proposals, coordinates project selection, monitors project performance, and manages the EPA Border 2020 Program funds. EPA Region 6 provides funding for the BECC to award, administer, and manage for projects in the New Mexico-Texas-Chihuahua and Texas-Coahuila-Nuevo Leon-Tamaulipas regions.

### UPCOMING MILESTONES:

EPA finalized the R6 Border 2020 priorities that BECC included at the May 31st, 2017 RFP and during the 13 RFP training workshops that followed during the next 3 weeks in June.

### BACKGROUND:

In 1994, EPA's Office of International Activities established a Border 2000 Community Grants Program to strengthen local capacity and strategically address environmental issues in the U.S./Mexico Border area at a community level. The grants help border communities respond to environmental and related health needs particular to the border area. Solicitations for Border 2000 community grants went out on December 1994 to border communities, NGOs, universities, and other interested parties living and working in the U.S./Mexico border area. The grant program continued through later Border environmental program initiatives to include the Border 2012 program, and now the Border 2020 program. The Border 2020 Program is a bi-national collaboration whose mission is to protect human health and the environment in the U.S.-Mexico border region. The Border 2020 Program focuses on underserved communities that may be disproportionately impacted by environmental risks. BECC is bi-lateral organization created by an agreement parallel to the North American Free Trade Agreement (NAFTA) for the purpose of preserving, protecting, and enhancing the environment in the U.S. – Mexico border region. The following groups may apply for funding under the Border 2020 RFP: U.S. and Mexican non-governmental organizations; U.S. and Mexican local and state governmental agencies; industry associations and universities; U.S. tribes; and Mexican indigenous communities. For-profit entities will not be considered for funding. Binational partner participation in all project proposals is encouraged. Typically, the Border Program's contribution is limited to \$100,000 per eligible project, and in general the average project funding is expected to be \$50,000. A Technical Assistance Agreement (TAA) is the contract for the agreement between the Project Sponsor and BECC for project funding. Projects must delineate benefits to the public or environment, and demonstrate methods used to-

achieve results and how those results will be measured. The funds to be allocated under this RFP are not intended for the exclusive purpose of purchasing general equipment, construction of facilities, and/or other rehabilitation of infrastructure. Under the BECC Collaborative Agreement, BECC coordinates projects and internal contract and grant administration in coordination with EPA for the Border 2020 grants program in the Tri-State Region, which includes the states of New Mexico, Chihuahua and the West Texas region; and the Four-State Region which includes the rest of Texas, Coahuila, Tamaulipas and Nuevo Leon. BECC monitors work plan activities of the projects in coordination with EPA, which includes reviews of expenditures of grant agreement funds and progress of work according to deadlines. BECC provides logistical support for the Region 6 Border 2020 program and meetings, which alternate between locations in the U.S. and in Mexico. BECC provides simultaneous translation at the Border 2020 regional workgroups' annual public meetings, task force meetings, annual policy forums, and bi-annual committees meeting. They also organize facilities, invitations, and minutes for the meetings. As funding becomes available, BECC will assist with developing a Request for Proposals based on EPA's priorities, providing workshops in border communities in both U.S. and Mexico to provide bilingual guidance on the application and submittal process. They also provide logistical support for the National Coordinators Meeting required by the 1983 La Paz Agreement, attended by U.S/MX federal chairpersons, state environmental secretaries/delegados.

#### KEY EXTERNAL STAKEHOLDERS:

Congress	Industry	✕ States	✕ Tribes	Media	✕ Other Federal Agency
ASTDR	✕ NGO	✕ Other (name of stakeholder) <u>Elected Community Officials</u>			

#### MOVING FORWARD:

The New Mexico-Texas-Chihuahua Regional Workgroup held their annual public meeting February 14, 2017, and the Texas-Coahuila-Nuevo Leon-Tamaulipas Regional Workgroup held their annual public meeting on February 16, 2017. Border 2020 action plans for 2014-16 were presented to the federal co-chairs from the U.S. and Mexico, and activities were highlight to add to the 2016-2018 action plans. Ongoing border grants will be finalized as outlined in the BECC Grants. Annual meetings will be held for the nine task forces in the NM/TX/CH Regional Workgroup and for the four Task Force meetings that are held twice a year in the TX/TAM/NL/Coah Regional Workgroup.





# DRINKING WATER PROGRAM OVERSIGHT

## SUMMARY:

National attention from lead contamination in drinking water in Flint, Michigan, caused a significant increase in EPA oversight of state drinking water programs to ensure public health and safety. The oversight actions will continue across all drinking water program rules, with a special focus on the Lead and Copper Rule. Additionally, the uptick in press coverage about drinking water quality, especially in financially struggling communities with decreasing populations and tax revenues, highlights the need for additional state program oversight and compliance assistance by EPA. Hampered by dwindling resources and travel budgets, EPA developed an innovative and cost effective approach to supplement on-site evaluations of state drinking water programs and compliance determinations using two software tools.

## UPCOMING MILESTONES:

Ongoing quarterly evaluation of drinking water quality data in the Safe Drinking Water Information System (SDWIS) using software tools developed by EPA Region 6. The Region's routine oversight and implementation of the Safe Drinking Water Information Act (SDWA) covers public health protection of 41 million people served by over 12,000 public water systems. This includes the Region's Direction Implementation (DI) responsibility on 85 Tribal water systems that serve over 170,000 people in Tribal communities.

## BACKGROUND:

In 2016, EPA developed and piloted two innovative software-based tools which have greatly simplified and expedited data management in the drinking water program, allowing real-time auditing of drinking water compliance data. These software-based tools allow for electronic real-time auditing of compliance data. The two tools are: the Enforcement Targeting Tool Assistant (ETTA) and the electronic Data Verification (e-DV). The tools are already widely used by states as well as throughout EPA's drinking water program. These tools have resulted in significant savings in time and travel resources for states and Regions and have greatly enhanced the ability to identify and quickly address drinking water systems that are out of compliance.

ETTA: EPA uses a quarterly scoring system called the ETT to rank and prioritize (SDWA) violations at public water systems (PWSs), which assists with identifying the most serious violators and correcting noncompliance. Because states continue to update their internal databases in real time, this results in differences between federal and state violations data, and has led to complicated/difficult conversations between EPA and states. The ETTA helps resolve this 'lag' time between the quarterly ETT and state's internal real-time data. Developed by a team of Region 6 and Office of Compliance (OC) personnel, ETTA applies the ETT algorithm to real-time information in the state's database to produce a score for each PWS that ETTA then compares to the system's official ETT score.

ETTA has simplified discussions between EPA and states by facilitating access to real-time data, highlighting changes in violations data over time, providing easy data sorting capabilities, adding tools for finding and correcting differences between federal and state data, and providing for easier linking of violations to the addressing actions that resolve them and reduce a PWS's score. States have described ETTA as a "huge time saver," as ETTA minimizes their work time and maximizes their ability to assist water systems. ETTA was rolled out nationally via webinars (summer of 2016) and at Association of State Drinking Water Administrators (October 2016). To date, 42 primacy states/territories have registered to use ETTA, with expanded use and feature enhancements expected in 2017. There are also plans to incorporate an ETTA app into SDWIS Prime (expected release date 2019), thereby solidifying ETTA's contribution to compliance and enforcement oversight in the drinking water field.

e-DV: EPA has additionally developed a companion piece to the ETTA tool. The Electronic Data Verification Tool (eDV) compares the compliance determinations the State has made with those made by the eDV. The eDV allows EPA to work with our state partners to effectively conduct quick, automated, data verifications, more easily and more frequently on various SDWA rules thus streamlining the process of data audits and program/enforcement reviews. This is also at a cost savings that would have been spent by travel to state offices.

Both of these valuable tools have gained widespread adoption and use by other EPA regions and over 40 states, and have already saved EPA significant travel costs and time. These tools improve program oversight by allowing more frequent and accurate review of drinking water compliance data and determinations, more timely program monitoring to ensure public health protection, more accurate performance evaluations and improved dialogue among EPA headquarters, regions and states on drinking water safety. This allows EPA and state-primacy agencies to ensure that resources are spent where they are most needed, and be confident that we are fulfilling our responsibility to deliver safe drinking water to the American public.

#### KEY EXTERNAL STAKEHOLDERS:

☒ Congress     ☒ Industry     ☒ States     ☒ Tribes     Media     Other Federal Agency  
 NGO     Other (name of stakeholder) \_\_\_\_\_

EPA Region 6 Drinking Water and Enforcement Programs, State Drinking Water Primacy Agencies and local communities.

#### MOVING FORWARD:

- Significant interest and press coverage about drinking water quality and the need to make investments in water infrastructure and expected to continue and be a national focus during the next four years and beyond.



# ARKANSAS REGIONAL HAZE FEDERAL IMPLEMENTATION PLAN

## SUMMARY:

On August 31, 2016, EPA promulgated a final Federal Implementation Plan (FIP) that established sulfur dioxide (SO<sub>2</sub>), nitrogen oxide (NO<sub>x</sub>), and particulate matter (PM) emission limits for 11 units at 7 facilities under the Regional Haze Rule. The FIP was promulgated to correct certain portions of the Arkansas Regional Haze State Implementation Plan (SIP), which was partially disapproved by EPA in a prior action finalized on March 12, 2012.

In November 2016, EPA received petitions for reconsideration from the State of Arkansas, Entergy, the Arkansas Electric Cooperative Corporation (AECC), the Energy and Environmental Alliance of Arkansas (EEAA), and Domtar. In addition, the State of Arkansas, Entergy/AECC/EEAA, Domtar, the Affordable Energy Commission, and Sierra Club/National Parks Conservation Association (NPCA) filed petitions for judicial review of the FIP. On February 7 and 8, 2017, the State of Arkansas and Entergy/AECC/EEAA filed motions to stay the pending judicial review of the FIP.

The State of Arkansas and other parties to the litigation also expressed interest in settlement discussions/ negotiations and there was agreement among the parties that it would be more conducive to possible settlement negotiations to seek to hold the litigation in abeyance prior to the upcoming court filing deadlines. To facilitate settlement discussions, on March 1 and March 6, 2017, EPA sent letters to the petitioners communicating our intent to grant a 90-day administrative stay and partial consideration of (1) the SO<sub>2</sub> controls for the White Bluff Power Plant, (2) the form and compliance date of NO<sub>x</sub> controls for White Bluff Power Plant, Independence Power Plant, and Flint Creek Power Plant, and (3) reconsideration of the compliance date for SO<sub>2</sub> controls for the Independence Power Plant. On March 8, 2017, the Eighth Circuit granted EPA's abeyance motion to halt the litigation briefing schedule for 90 days in order for EPA to conduct settlement talks with the petitioners.

## UPCOMING MILESTONES:

To facilitate settlement discussions, on March 1 and March 6, 2017, EPA sent letters to the petitioners communicating our intent to grant a 90-day administrative stay and partial reconsideration of the FIP.

With regard to the litigation, the merits briefs from the five petitioners that filed petitions for judicial review of the FIP were filed on February 17, 2017. However, on March 8, 2017 the Eighth Circuit granted EPA's abeyance motion to halt the litigation briefing schedule for 90 days in order for EPA to conduct settlement talks with the petitioners.

EPA and DOJ are currently communicating with the parties to the litigation and we have commenced settlement discussions with the State and petitioners. EPA provided the court a status report on June, 9 2017, on our efforts to settle with petitioners.

## BACKGROUND:

Haze is caused when sunlight encounters tiny pollution particles in the air. Some light is absorbed by particles. Other light is scattered away before it reaches an observer. More pollutants mean more absorption and scattering of light, which reduce the clarity and color of what is seen.

EPA and states must carry out Congress's direction under the federal Clean Air Act (CAA) sections 169A and 169B to improve visibility at certain national parks and wilderness areas, known as Class I areas. This includes a requirement to determine and implement Best Available Retrofit Technology (BART) for certain older sources of pollution that contribute to problems of haze and visibility impairment. This also includes a requirement to conduct an analysis of certain factors to determine if it is appropriate to require controls for any additional sources under the Reasonable Progress requirements of the Regional Haze Rule.

EPA issued a partial disapproval of the Arkansas Regional Haze SIP on March 12, 2012. This triggered a requirement for EPA to approve a SIP revision and/or promulgate a FIP by April 11, 2014, to address deficiencies in the SIP. The State did not submit a SIP revision, and EPA promulgated the FIP on August 31, 2016. The FIP includes SO<sub>2</sub>, NO<sub>x</sub>, and PM emission limits for nine units under the BART requirements of the Regional Haze Rule. The FIP also includes SO<sub>2</sub> and NO<sub>x</sub> emission limits for two units at the Independence Power Plant under the Reasonable Progress requirements of the Regional Haze Rule.

The petitions for reconsideration filed by the State of Arkansas, Entergy, AECC, and EEAA raise issues concerning the following FIP requirements: SO<sub>2</sub> and NO<sub>x</sub> requirements for the White Bluff Power Plant; SO<sub>2</sub> and NO<sub>x</sub> requirements for the Independence Power Plant; and the 18-month compliance date on NO<sub>x</sub> controls for the White Bluff Power Plant, Independence Power Plant, and Flint Creek Power Plant. The petition for reconsideration filed by Domtar concerns the SO<sub>2</sub> requirements for one boiler at the Domtar Ashdown Mill.

#### KEY EXTERNAL STAKEHOLDERS:

Congress	✗ Industry	✗ States	Tribes	Media	Other Federal Agency
NGO	Other (name of stakeholder) _____				

ADEQ/Arkansas Attorney General, Entergy/AECC/EEAA, Sierra Club/NPCA, Domtar

#### MOVING FORWARD:

EPA and DOJ are currently communicating with the parties to the litigation. Arkansas is working to develop SIP revisions to replace the FIP. Arkansas proposed a SIP revision on July 5 to replace the NO<sub>x</sub> limits for electric generating units with reliance on the cross state air pollution program. We intend to parallel process this SIP revision. Arkansas is also working to develop a SIP revision to address SO<sub>2</sub> controls. We are hoping these SIP revisions will provide the basis for settlement. Additionally, EPA proposed to extend the compliance date for the NO<sub>x</sub> controls on July 12, 2017. We will hold a public hearing on August 23, 2017.



# HURRICANE PREPAREDNESS & RESPONSE

## SUMMARY:

As required under the National Contingency Plan (NCP), EPA Region 6 maintains an emergency response program to respond to releases of hazardous materials and discharges of oil. This includes releases and discharges resulting from intentional human actions or a natural disaster such as a hurricane. Further, the Agency's Primary Mission Essential Function (PMEF) under the Federal Continuity Directive (FCD) is to prevent, limit, mitigate or contain chemical, oil, radiological, biological and/or hazardous materials/agents during and in the aftermath of an accident and/or natural or man-made disaster in designated zones of the United States and provide environmental monitoring, assessment and reporting in support of overall domestic incident management. To support the Agency's responsibilities under the NCP and the FCD, the Region maintains a robust response training and exercise program.

## UPCOMING MILESTONES:

The Atlantic Hurricane season starts June 1 and ends November 30. There are two upcoming training and exercises events to help prepare for field operations: a tabletop exercise for the regional Incident Management Teams (IMTs) August 8-10, 2017, and one for the Disaster Management for Regional Senior Leadership with the date to be determined.

## BACKGROUND:

Several large-scale nationally significant events have occurred in Region 6 where EPA has played a leading role. Using the Incident Command System (ICS) has been a key factor in the command and coordination of our field operations for each of these events. A few key elements include:

Regional Administrator (RA) – the RA role in response management includes:

- Establish the strategic direction and management objectives for the response, in consultation with Headquarters (HQ) and the State/Tribes;
- Designate a Regional Incident Coordinator (RIC) to manage the Regional Emergency Operations Center and serve as the primary contact with the Incident Commander (IC) and EPA Management;
- Resolve regional resource, cross-program and policy issues;
- Serve as the Agency regional spokesperson with public and elected officials;
- Ensure the effectiveness of the response to meet Agency objectives; and
- Serve on the Policy Coordinating Executive Committee (PCC) and act as the principal contact between the PCC and the region.

Regional Incident Management Teams (IMTs) – Each region has the capability of deploying an IMT to an incident. The function of an IMT, led by the IC, is to manage the tactical aspects of the response by developing and implementing incident objectives. EPA IMTs may be used to support discrete, assigned operational sectors of a large, multi-agency ICS organization during the emergency phase. EPA ICs with organization during the emergency phase. EPA ICs with the IMTs' support will have the capability to assume the lead management role during the emergency response phase and sustain prolonged operations during the recovery phase. EPA IMTs may be deployed as an entire team or as a partial mobilization to meet the needs of the incident.

**Response Support Corps (RSC)** – A key component of the large-scale response is the RSC which supplements the Agency’s response staff. The RSC is comprised of staff from all program offices within EPA and provides a pool of trained personnel, technical experts, and additional response assets. Activation of RSC personnel should be coordinated through the RICT.

#### KEY EXTERNAL STAKEHOLDERS:

<input checked="" type="checkbox"/> Congress	Industry	<input checked="" type="checkbox"/> States	Tribes	<input checked="" type="checkbox"/> Media	<input checked="" type="checkbox"/> Other Federal Agency
NGO	Other (name of stakeholder)				

There has been significant public interest from environmental groups, local community, the local and national media, as well as local, state, and federal elected officials.

#### MOVING FORWARD:

Regional preparedness and training for large-scale regional and national event is a continuous process. Not only has Region 6 activated responders to other regions during other national events but Region 6 has responded to several regional events including the Columbia Space Shuttle, Hurricanes Katrina and Rita, Hurricanes Gustav and Ike, Deep Water Horizon oil spill in the Gulf of Mexico, and the Gold King Mine Spill.



# DENKA PERFORMANCE ELASTOMER LAPLACE, LOUISIANA

## SUMMARY:

In December 2015, EPA released the National Air Toxics Assessment (NATA) results that showed a high risk factor from a likely human carcinogenic compound (chloroprene) emitted from the Denka Performance Elastomer, LLC (Denka) facility in LaPlace, Louisiana. In March 2016, EPA and the Louisiana Department of Environmental Quality (LDEQ) confirmed the presence of elevated concentrations of chloroprene in ambient air in the neighborhoods surrounding the facility. EPA and LDEQ entered into discussions with Denka to reduce chloroprene emissions. EPA, LDEQ and Denka met with local and regional citizens in July 2016 to inform them about chloroprene, its potential health risks, and actions the facility was evaluating for control measures. On January 6, 2017, LDEQ, in consultation with EPA, issued an Administrative Compliance Order to Denka to install controls for reducing chloroprene emissions from the facility. Denka has voluntarily begun implementation of these controls and other practices to reduce emissions.

## UPCOMING MILESTONES:

Through collaboration, EPA and LDEQ have developed enforceable agreements for interim and long-term control measures with Denka. EPA will continue ambient air monitoring in the neighborhoods surrounding the facility and provide updates to the public. In addition, EPA and LDEQ have begun to evaluate engineering design information for the proposed long-term control measures in early 2017.

## BACKGROUND:

The Denka facility was built in 1964 by the E.I. DuPont de Nemours Company (DuPont) to manufacture neoprene, and is the only company in the U.S. currently making neoprene. In 2015, EPA became aware of the potential risk associated with chloroprene, a primary product in the manufacture of neoprene, as a result of the NATA. The NATA is a study of potential risks associated with air emissions from industrial facilities, as reported by industrial facilities through the Emissions Inventory. In this case, the NATA identified a high risk ( $8 \times 10^{-4}$  increase in cancer risk) associated with the release of chloroprene from the Denka facility (formerly the DuPont Pontchartrain Works facility).

Because the NATA is a screening tool, EPA and LDEQ collected ambient air samples from six locations in March 2016 and analyzed the samples for chloroprene. One location is an elementary school located approximately 0.25 miles from the nearest emission source. Analytical results showed elevated concentrations of chloroprene in multiple samples, which confirmed that the emissions from the facility were in the ambient air, and indicated a potential increase in health risk for the nearby residents. In May 2016, EPA began a long-term ambient air monitoring program. In June 2016, EPA inspected the facility to determine compliance with environmental regulations.

During the same time period, LDEQ initiated discussions with Denka to reduce the amount of chloroprene emitted. At the State's direction, the company provided a modeling study to determine the probable sources of emissions, installed fence-line monitors around the facility, and assessed potential control technologies (for example, a regenerative thermal oxidizer). LDEQ is coordinating with EPA to ensure smooth facilitation in enforcement proceedings by both the State and Federal government.

EPA developed its unit risk estimate (URE) using the integrated risk inventory system (IRIS). The IRIS assessment estimates the carcinogenic human health effects from long-term inhalation risk. This number represents a risk and not a regulatory value. EPA would need to undertake a Risk and Technology Review followed by rulemaking to define a regulatory value.

Denka met with EPA in August to discuss the IRIS determination and inquired about the processes for challenging EPA's assessment. Denka has expressed that it will seek a review of the science used to determine the URE, questioning the IRIS determination and peer review processes.

EPA is coordinating closely with LDEQ throughout its monitoring and inspection efforts and has committed to maintaining strong communication/coordination with State and local governments as well as with local citizens.

#### KEY EXTERNAL STAKEHOLDERS:

Congress	x Industry	x States	Tribes	x Media	Other Federal Agency
NGO	x Other (name of stakeholder) <u>LaPlace citizens, St. John the Baptist Parish officials,</u>				

LEAN

LDEQ has maintained excellent communication with the Parish President and Council members. In turn, the Parish elected officials are communicating with the citizens in LaPlace. This avenue has provided timely updates and information. Media interest has been tempered to date, as EPA and LDEQ have provided information to them for each major event. Local environmental stakeholders have held meetings and posted information on their individual websites.

#### MOVING FORWARD:

EPA is planning to continue ambient air monitoring in the neighborhoods surrounding the Denka facility during 2017.

EPA and LDEQ are working with Denka to monitor the Administrative Compliance Order issued in January 2017 that requires specific actions by the company on a defined schedule. The actions by the company focus on controlling and reducing chloroprene emissions from numerous processes. Denka has voluntarily begun to implement some of these actions.





# LAKE PONTCHARTRAIN BASIN RESTORATION GRANT PROGRAM OVERSIGHT

## SUMMARY:

Since 2002, the Lake Pontchartrain Basin Restoration Program (PRP) grant program has helped to restore the ecological health of the Basin by developing and funding restoration projects and related scientific and public education projects. The University of New Orleans Research and Technology Foundation (UNORTF) has received grants during that time to make sub-grants to the 16 parishes surrounding the Basin for restoration projects and studies.

As a part of an effort strengthening grant programs oversight, an internal review of the program by the Office of Grants and Debarment (OGD) and Region 6 staff in 2016 revealed that an amendment to the Federal Water Pollution Control Act in 2011 (enacted December 2012) increased the statutory match for the PRP from 5% to 25%. The increase in statutory match created a match deficit totaling \$410,960 for FY13 and FY15 grants. EPA is unable to waive match required by statute. There is no record that the statute change was communicated from Congress to the Region or UNORTF. The internal review also revealed that Region 6 has not obtained a Delegation of Authority from the Office of the Administrator to award grants under the PRP. EPA staff also discovered that UNORTF improperly uses a 4% "Management Fee" to recover costs for its administration of the PRP program.

## UPCOMING MILESTONES:

Region 6 awards grant funds to UNORTF for the PRP on an annual basis. The grant funds are obligated in the summer. Therefore, the Region needs to obtain the delegation of authority to make grant awards within the next 5 months. The package to make the request has been created and is routing for approval through the appropriate Region 6 personnel

## BACKGROUND:

The Lake Pontchartrain Basin is a 5,000 square mile watershed encompassing 16 parishes in the State of Louisiana and 4 counties in the State of Mississippi.

UNORTF is a non-profit organization established in 1984 to support and improve the University of New Orleans. It is made up of a Board of Directors and approximately 15 staff members. UNO Foundation is divided up into 9 areas. The 9 areas are: (1) President and Chief Executive Officer, (2) Administration and Finance, (3) Accounting and Finance, (4) Human Resource Management, (5) Sponsored Programs, (6) Real Estate Services, (7) University Advancement, (8) Alumni Affairs, and (9) Technology Transfer.

Region 6 staff, in consultation with the Office of General Counsel (OGC) and OGD, is exploring UNORTF's proposal to use previously unreported match for Fiscal Years 07-15 to close the match deficit. All parties indicate additional match can be documented for those years and specifically for FY13 and FY15, which reduces the deficit to \$288,942. OGD and OGC have indicated that a deviation from regulations is possible to accommodate UNORTF's request. However, UNORTF has not submitted documentation necessary to substantiate a deviation request.

According to previous reviews of the administration of the program and correspondence from UNORTF, UNORTF charges indirect costs to its PRP grant agreements in the form of a 4% management fee, though it does not have an approved indirect cost rate. Region 6 is working with UNORTF to obtain sufficient documentation for these costs. Until the Region can determine the nature of these costs and properly budget them in the grant agreement, Region 6 has restricted UNORTF's ability to receive payment for the management fee.

Region 6 is working on submitting a package to obtain the Delegation of Authority from the Office of the Administrator. Region 6 staff is committed to resolving these administrative issues with UNORTF and continue the PRP grant program that has yielded success for the communities around the Basin.

#### KEY EXTERNAL STAKEHOLDERS:

<input checked="" type="checkbox"/> Congress	Industry	<input checked="" type="checkbox"/> States	Tribes	Media	Other Federal Agency
<input checked="" type="checkbox"/> NGO	Other (name of stakeholder) _____				

On October 12, 2016, Senator Bill Cassidy's office sent an inquiry to Region 6 regarding the application of the required match and its impact on the program's constituents. Senator Cassidy is the successor of Senator David Vitter, who began the PRP as a congressional earmark in 2002. Region 6 responded to the Senator's inquiry on October 18, 2016, stating that the Region could not legally waive the match but will continue to work with UNORTF to minimize if not eliminate impacts to residents of the Basin.

#### MOVING FORWARD:

Region 6 maintains its commitment to the success of the PRP and continued restoration of the ecological health of the Basin. UNORTF's correspondence and past performance has called into question the recipient's administrative capability to manage grants in accordance with Uniform Grants Guidance regulations. Region 6 is considering other grant award recipients in order to continue the success of the program.



# EPA REVIEW OF PM<sub>10</sub> EXCEPTIONAL EVENTS- NEW MEXICO ENVIRONMENT DEPARTMENT

## SUMMARY:

On September 28, 2016, the New Mexico Environment Department (NMED) submitted Exceptional Event demonstrations for five 2013 measurements that exceeded PM<sub>10</sub> NAAQS. Per 40 CFR 58.14, a state may request to exclude Exceptional Event data from use in attainment regulatory determinations.

## UPCOMING MILESTONES:

The technical evaluation of the demonstration for this exceedance is ongoing. Preliminary findings indicate that NMED has not provided sufficient information to date and we have asked for more information.

## BACKGROUND:

For EPA to concur on the request to exclude data, a state must demonstrate to EPA that an Exceptional Event caused the specific air pollution concentration at a particular location. The core concepts for the demonstration are: a clear causal relationship between event and exceedance, event not reasonably controllable or preventable, and event caused by human activity not likely to recur or natural event.

Three of the measurements are from monitors located in Dona County. One of the five measurements is a July 7, 2013, exceedance at the West Mesa monitor (35-013-0024) located in Las Cruces about 33 miles north of the Mexico border and with a population of over 100,000. NMED claims a wildfire caused the West Mesa exceedance. Another of the measurements is a November 22, 2013, exceedance at the Desert View monitor (35-013-0021) located in Sunland Park across the state border from El Paso, Texas. Sunland Park has a population of about 15,000. Another of the measurements is an October 10, 2013, exceedance at a monitor (35-013-0016) located in Anthony about 21 miles north of El Paso. The population of the community (Anthony, New Mexico, and Anthony, Texas) is about 14,000. NMED claims high winds caused The Desert View and Anthony exceedances.

Two of the measurements are from a monitor (35-029-0003) located in Deming, Luna County, 33 miles from the Mexican border with a population of about 15,000. NMED requests EPA concur on data exclusions for July 4, 2013, and July 26, 2013, exceedances with claimed causes of fireworks and high wind, respectively.

In 1991, Anthony was designated as nonattainment for PM<sub>10</sub>, but the 1993 SIP waived the compliance date for the area. Sunland Park is not designated as nonattainment for PM<sub>10</sub> and not part of the El Paso PM<sub>10</sub> non-attainment area. Deming and Las Cruces are also not designated as nonattainment for PM<sub>10</sub>.

KEY EXTERNAL STAKEHOLDERS:

Congress      Industry      ☒ States      Tribes      Media      Other Federal Agency  
NGO      Other (name of stakeholder) \_\_\_\_\_

MOVING FORWARD:

EPA is continuing the technical evaluation of the Exceptional Event data exclusion request. EPA has requested additional information from NMED to continue its review of the claims.



# URANIUM WASTE MINES

## SUMMARY:

Uranium extraction and production activities took place from the 1940s to the late 1980s in New Mexico's Grants Mining District. Over 52 million tons of uranium ore were extracted from these mines, constituting approximately 70% of the total uranium ore mined in the United States during this period. The mining activity has impacted groundwater resources and left behind surface contamination. Region 6 is coordinating closely with the State of New Mexico, EPA Region 9, tribes, and impacted communities to identify assessment and cleanup needs to prioritize resources and continue cleanup work.

## UPCOMING MILESTONES:

A Phase 2 ground water investigation report of the San Mateo Creek Basin is planned to be released in Fall 2017, followed by community outreach to summarize the findings and respond to any questions and concerns. This report will help federal, state, local, and private citizens to make better informed decisions in relation to the use of the ground water.

EPA Regions 6 and 9 hold frequent meetings with state, tribal and community members regarding agency assessments of abandoned uranium mine environmental issues. It is possible that certain approaches to remediate abandoned mine waste, such as transportation of mine wastes through communities, might emerge as a controversial issue.

At the Homestake Site, EPA expects to be in a position by September 2017 to make a determination regarding the background cleanup number approved for the Site. In the interim EPA will seek input from the community technical advisor before any determination is made regarding the background. This will be a major decision and will have an impact on the cleanup schedule at the site.

## BACKGROUND:

About 70 percent of all the uranium mined in the United States from the 1940's through the 1980's came from the 2,500 square mile Grants Mining District located on Navajo and New Mexico lands. Thousands of exploratory borings or holes were made and hundreds of major uranium mines and mills were active in the District before being abandoned. The legacy of the uranium mining industry is millions of tons of waste rock spread over miles and billions of gallons of contaminated water impacting ground water that continue to pose risks to human health and the environment.

Little funding was available to address the problems presented by the uranium mining boom until the February 2011 Tronox settlement that resolved the environmental liability of the defunct Kerr McGee corporation. The settlement provided \$900 million to address uranium mine contamination at 55 mines located on or adjacent to Navajo Nation lands. A Tronox Multi-Agency Stakeholders Group was formed in 2015 to oversee the implementation of the settlement. Region 6 is in the process of completing removal site evaluations and engineering evaluation/cost analyses on Region 6 mines to support future prioritization and cleanup of Tronox mines.

Region 6 is also utilizing the National Priorities List process at three mining related sites in New Mexico: Homestake Mill Site near Grants, NM, United Nuclear Corporation, near Northeast Church Rock, NM, and the Jackpile-Paguate mine, near the Pueblo of Laguna village of Paguate, NM. These three NPL sites are undergoing assessment and cleanup work led by potential responsible parties

**KEY EXTERNAL STAKEHOLDERS:**

☒ Congress     ☒ Industry     ☒ States     ☒ Tribes     ☒ Media     ☒ Other Federal Agency  
☒ NGO     Other (name of stakeholder)

There is significant public interest from environmental groups, local community, the local media, as well as local, state, and federal elected officials.

**MOVING FORWARD:**

Regions 6 and 9 have initiated assessments of the most contaminated of the 55 sites within their jurisdictions to develop cleanup alternatives. One potentially controversial alternative is to truck contaminated soils from the Quivira Mine located on Navajo land to a repository created by EPA in New Mexico that would also receive wastes from an adjacent abandoned uranium mine. This alternative would result in 60,000 truckloads of contaminated waste to be moved over 78 road miles through multiple NM communities. The concept has not been formally released by EPA and has yet to be vetted with Headquarters for national policy impacts.

This idea is strongly supported by the Navajos and is strongly opposed by the State of New Mexico.

The Superfund National Priorities List is also a tool being considered to pursue PRPs and address impacts from uranium mining.



# KIRTLAND AIR FORCE BASE FUEL SPILL ALBUQUERQUE, N.M.

## SUMMARY:

A long-term release of jet fuel and aviation gasoline from underground pipelines at Kirtland Air Force Base has resulted in on-site and off-site soil and groundwater contamination. The release has formed a plume approximately 6,850 feet long and 1,000 feet wide beneath southeast Albuquerque and is near public drinking water supply wells. Contamination consists of dissolved and undissolved fuel-related compounds including light non-aqueous phase liquid. The most significant contaminant is ethylene dibromide (EDB), which is a brominated hydrocarbon that tends to be mobile and persistent in groundwater systems.

The potential health risks of consuming EDB in excess of the maximum contaminant level (MCL) of 0.05 µg/l include problems with the liver, stomach, reproductive system, or kidneys, and may increase the risk of cancer. EDB has not been detected in city wells so far, and a groundwater pump and treat system was installed in 2016 as an interim measure under the Resource Conservation and Recovery Act (RCRA). Corrective Action of the fuel spill is being performed under a RCRA hazardous waste permit issued by the New Mexico Environment Department (NMED).

## UPCOMING MILESTONES:

On January 27, 2017, Kirtland submitted its RCRA facility investigation (RFI) report to the NMED. The purpose of the RFI is to determine the nature and extent of contamination and evaluate potential human health and environmental impacts. Region 6 provided comments to New Mexico Environment Department (NMED) and NMED will provide comments to Kirtland. On March 9, 2017, the Air Force and NMED co-hosted a public meeting to discuss the RFI, the 2017 strategic plan, provide a progress report, and present other information. On March 11, 2017, a public workshop was held to give the public an opportunity to follow up on topics raised at the public meeting, have in-depth discussions with the project staff and raise ideas and topics for future workshops. The next quarterly public meeting will be held on July 27, 2017.

## BACKGROUND:

Contamination at the Kirtland Bulk Fuels Facility (BFF) was discovered in 1999 when workers noticed fuel staining on the ground surface. The BFF became operational in 1953, and has been used over time for the storage of aviation gasoline, jet fuel, and smaller amounts of diesel fuel and unleaded gasoline. To investigate the stained soil, workers at the BFF performed pressure testing of two underground pipelines. Both pipelines failed pressure testing. It is unknown exactly how long the pipelines had been leaking or how much fuel had been released, but the releases are believed to have started before 1975. Region 6 has been providing NMED with requested technical assistance for groundwater modeling, expert consultations, and report reviews. Groundwater monitoring is being performed with 134 multi-level monitoring wells which are sampled quarterly. Drinking water wells are sampled monthly. The groundwater pump and treat system consists of four extraction wells and an on-base treatment facility. To date 211.3 million gallons of groundwater have been treated and 64.2 grams of EDB removed.

**KEY EXTERNAL STAKEHOLDERS:**

Congress	Industry	<input checked="" type="checkbox"/> States	Tribes	<input checked="" type="checkbox"/> Media	<input checked="" type="checkbox"/> Other Federal Agency
NGO	<input checked="" type="checkbox"/> Other (name of stakeholder) <u>Albuquerque Water Utility Authority</u>				

There is significant public interest from environmental groups, neighborhood associations, the local and national media, as well as local, state, and federal elected officials.

**MOVING FORWARD:**

The near term key activities are to test, adjust, and maintain the interim measures pump and treat system. The purpose of this system is to keep EDB from migration further towards drinking water wells. Regulatory activities are to advance the RFI from interim measures to corrective measures. In the long term, the key activities are to eliminate the EDB plume from off-site areas and address other fuel contaminants (mainly benzene, manganese, and toluene) closer to the base property line. On-site soil remediation is also taking place.





# LEAD PROGRAM AUTHORIZATION – NM

## SUMMARY:

The New Mexico Department of Health (NMDH) is planning to study the feasibility of adopting the Lead Paint Program in New Mexico. EPA awarded NMDH a \$50,000 to study the feasibility of adopting the lead based paint program.

## UPCOMING MILESTONES:

NMDH will submit their grant report by June 30, 2018.

## BACKGROUND:

This dialogue began with the NMDH Epidemiology Department in November 2016. NMDH has the CDC Lead Grant, and are building capacity to adopt the EPA Lead Certification programs. This will require new state legislation, and may take several years to complete.

**KEY EXTERNAL STAKEHOLDERS:**

Congress	Industry	<input checked="" type="checkbox"/> States	Tribes	Media	<input checked="" type="checkbox"/> Other Federal Agency
NGO	<input checked="" type="checkbox"/> Other (name of stakeholder) <u>NMDH Epidemiology Department</u>				

**MOVING FORWARD:**

New legislative business can only be introduced every other year. New Mexico will need a legislator to introduce the bill. NMDH does not have an enforcement role. Once the feasibility study becomes operational, further target dates, actions and other associated events can be scheduled.



# LOS ALAMOS MUNICIPAL SEPARATE STORM SEWER SYSTEMS DESIGNATION

## SUMMARY:

On June 30, 2014, Amigos Bravos petitioned EPA to designate permitting for unregulated storm water discharges in Los Alamos County contributing to violations of water quality standards. Several ephemeral and intermittent waters in the Los Alamos area are listed as impaired for one or more pollutants including PCBs, gross alpha, aluminum, copper, zinc, arsenic, selenium, thallium, and mercury. The petition cites EPA's duty to issue a National Pollutant Discharge Elimination System (NPDES) Municipal Separate Storm Sewer System (MS4) permit to control urban storm water discharges from Los Alamos National Laboratory (LANL) and Los Alamos County into several canyons on the Pajarito Plateau.

## UPCOMING MILESTONES:

On March 15, 2015, the notice of a preliminary designation decision was published in the Federal Register and the extended comment period ended on June 15, 2015.

At the request of OGC and OWM, Region 6 is working with stakeholders on a plan to delay a final decision on the designation until a permit is ready to be issued. This would allow affected parties to see what the permit would actually require at the same time they were reviewing the final decision and making decisions on whether or not to challenge the designation decision and/or permit. This process would likely lead to a final decision in late 2018.

## BACKGROUND:



Los Alamos County, New Mexico is home to the LANL, which has contamination issues related to past activities dating back to WWII. Since Los Alamos is not located in a Census Urbanized Area where MS4 designations are made by rule, the city/county and the LANL federal facility are not currently regulated MS4's and would have to be designated before a permit for municipal storm water would be required.

After careful review of the petition, LANL stormwater report, and the additional information provided by LANL and Los Alamos County, as well as review of the State of New Mexico's assessment of water quality in the area, EPA has made a

preliminary determination that storm water discharges on LANL property and urban portions of Los Alamos County have the potential to cause or contribute to violations of one or more New Mexico water quality standards including current Clean Water Act §303d listed impairments in the area.

LANL currently has permit coverage for wastewater and industrial storm water under two individual permits and the Multi-sector Storm Water General Permit (MSGP). Only limited portions of LANL are “industrial activity” and currently require a storm water permit. LANL is exploring alternative compliance methods for their storm water permit covering Solid Waste Management Units – claiming that for some sites run-on from urban and other areas already exceed water quality-based cleanup confirmation targets required by the permit. Note that in the near future, there will be a proposed permitting action for reissuance of the LANL industrial storm water permit (that is separate from the preliminary MS4 designation) and there will be a separate public comment period on that proposed permit reissuance.

Several ephemeral and intermittent waters in the Los Alamos area are listed as impaired for one or more pollutants including PCBs, gross alpha, aluminum, zinc, thallium, arsenic, selenium, and mercury impacting attainment of water quality standards protecting designated uses of the receiving waters. Runoff enters canyons leading to the Rio Grande above the Buckman Diversion, a drinking water intake for Santa Fe. Various public, environmental and tribal organizations have expressed concerns about environmental and human health impacts of pollutants primarily related to past and current LANL operations.

In the preliminary determination, EPA requests comments on the scope and boundary of the MS4 designation. The Township and County of Los Alamos, LANL, NMDOT, and White Rock would be impacted by becoming a regulated MS4.

#### KEY EXTERNAL STAKEHOLDERS:

☒ Congress    ☒ Industry    ☒ States    ☒ Tribes    Media    ☒ Other Federal Agency  
☐ NGO    ☒ Other (name of stakeholder) Agriculture

NMED is aware of the preliminary designation and supports EPA’s decision as they listed the waters in area as impaired on their list of impaired water for 2012 and 2014. Los Alamos County leaders and the Department of Energy, the federal agency managing LANL, requested EPA to not designate the area. They do not believe the storm water run off is significantly contributing to impaired water quality. They also cite a declining population as reason not to designate the area as MS4s are generally urbanized areas. Pueblos of San Ildefonso, Cochiti and Santa Clara are supportive of the action as they are downstream from the stormwater flow.

#### MOVING FORWARD:

- EPA will carefully analysis the petition, comments on the preliminary designation
- EPA Regional Administrator will designate as regulated small MS4 as defined by the latest census.



# WASTE ISOLATION PILOT PLANT (WIPP) CARLSBAD, NEW MEXICO

## SUMMARY:

In February 2014, the Waste Isolation Pilot Plant (WIPP) suffered a radiation release in Panel 7 due to a chemical reaction in one of the stored containers. The container ruptured and released radioactive contamination into the underground 2150 feet below surface. Automatic continuous air monitors alerted and the facility switched to HEPA filtration in less than two minutes. The Department of Energy (DOE) evaluated the cause of the release, issued an accident investigation report, and developed and implemented a corrective action plan to address the problems found in the investigation report. The corrective actions addressed decontamination of the underground, ventilation improvements, and work safety issues. In cooperation with the New Mexico Environment Department (NMED), Mining Safety and Health Administration (MSHA) and the Environmental Protection Agency (EPA), DOE restarted waste disposal operations at the facility on January 4, 2017.

## UPCOMING MILESTONES:

After inspections by DOE, MSHA, EPA, and NMED, emplacement of transuranic (TRU) waste resumed January 4, 2017. Emplacement is held at a slow, methodical pace to assure compliance with the enhanced safety procedures and characterization process. WIPP has emplaced 237 TRU waste containers currently on site, and has received shipments from various DOE facilities, including waste control specialists in Andrews, Texas. 25 of the containers that can be shipped to WIPP from WCS have been shipped as of July 15, 2017.

## BACKGROUND:

WIPP is the only permanent nuclear repository for defense related transuranic waste. The facility is located 24 miles east of Carlsbad, New Mexico. The facility is mined in a stable salt bed at 2150 feet below the surface. Under the Land Withdrawal Act of 1992, WIPP can permanently store 175,500 cubic meters of TRU waste. The first TRU waste was emplaced in 1998. The design allows for ten panels with six panels filled. Currently, 90,627 cubic meters of contact handled waste and 357 cubic meters of remote handled waste have been emplaced in Panels 1 through 6.

In February 2014, two unrelated events shut the facility down. A diesel fire in the underground on February 5, followed by a ruptured container radiation release on February 14, suspended operations as DOE addressed safety in the underground. DOE went into recovery mode with activities to clean the fire damage and decontaminate the underground until restart on January 4, 2017. Adequate ventilation and ground control have limited progress in the recovery operation. DOE continues to improve ventilation and ground control after restart.

Environmental regulation of the WIPP operations is the responsibility of NMED for hazardous waste via its permit under the Resource Conservation and Recovery Act (RCRA), with oversight by EPA Region 6. The Office of Radiation and Indoor Air (ORIA) at EPA headquarters is responsible for approving the facility capable for safely containing radioactive waste under the Land Withdrawal Act and EPA's

radioactive waste disposal standards. This includes reviews of the DOE waste generator sites in various states. Mine safety is regulated by MSHA and transportation regulations are regulated by the Department of Transportation and the Nuclear Regulatory Commission.

#### KEY EXTERNAL STAKEHOLDERS:

<input checked="" type="checkbox"/> Congress	Industry	<input checked="" type="checkbox"/> States	Tribes	<input checked="" type="checkbox"/> Media	<input checked="" type="checkbox"/> Other Federal Agency
NGO	Other (name of stakeholder) <u>City of Carlsbad</u>				

Media interest has been high and stakeholders have expressed concerns about receiving updates on WIPP restart activities in a timely manner. The City of Carlsbad and DOE co-host Town Hall meetings to provide updates on WIPP restart activities.

#### MOVING FORWARD:

DOE restarted emplacement operations on January 4, 2017. WIPP will function with a reduced level of emplacements (approximately two emplacements a week) for the foreseeable future. DOE currently has over 22,000 containers of TRU waste in storage at DOE sites across the country destined for permanent emplacement at WIPP. DOE released a schedule on February 14, 2017, for TRU shipments over the next 12 months. Shipments are scheduled from DOE facilities in Idaho, Oak Ridge, Savannah River and Los Alamos.

EPA/ORIA is reviewing the current WIPP Compliance Recertification Application (CRA), which EPA declared complete in January. EPA/ORIA needs to make a decision on the CRA by mid-July 2017. EPA/ORIA is also reviewing the Biennial Environmental Compliance Report (BECR) submitted by DOE in October 2016. EPA approved the BECR on April 24, 2017.

DOE is pursuing a RCRA Permit Modification with NMED to expand surface storage at the facility. This modification will provide more on site storage of waste in concrete containers to allow WIPP more flexibility in staging waste on site before emplacement. The permit modification has undergone public notice and comment but NMED has not made a decision on the expanded storage request.



# UIC PROGRAM-OSAGE COUNTY

## SUMMARY:

Injection-induced seismicity is an ongoing concern in Oklahoma. Notable events, beginning on September 3, 2016, raised further concern. Two of these (Pawnee events, M5.8 on September 3, 2016, and M4.3 on November 1, 2016) impacted Osage County, where EPA has direct implementation authority for the Underground Injection Control (UIC) program in Osage County. EPA, in close cooperation with Oklahoma Corporation Commission (OCC), Osage Nation Minerals Council and Osage Nation Environmental staff, United States Geological Survey (USGS), and Bureau of Indian Affairs (BIA), responded quickly to these events to shut in and/or reduce/cap injection volumes in disposal wells in the area.

## UPCOMING MILESTONES:

Currently, EPA Region 6, Osage Minerals Council and Osage Nation Environmental staff address issues as needed.

## BACKGROUND:

Since February 2015, EPA Region 6 has provided focused technical support to the OCC in addressing potential induced seismicity. In August of 2016, EPA R6 was alerted by the Bureau of Indian Affairs (BIA) of elevated levels of Total Dissolved Solids (TDS) (over 80,000 parts per-million (PPM)) in an upper tributary of North Bird Creek. R6 visited the site along with representatives from BIA, the Oklahoma Department of Environmental Quality (ODEQ) and a landowner representative. Characteristics of the contaminants are indicative of oil field wastes and three UIC operators (Five wells) have been identified for intensive data collection efforts including MIT evaluations, information request letters and chemical sampling. EPA has also been monitoring the tributary and has collected water samples in an effort to identify the source of the high salinity in the water. In an effort to stem the increasing earthquake trends, OCC increased its level of response, culminating in a broad injection volume restriction area for disposal wells after several damaging Magnitude 4 events in early 2016. Despite these efforts, alarming levels of seismicity continued. On November 6, 2016, a M5.0 struck near Cushing, causing substantial damage to the city. OCC responded quickly with additional wells shut in and/or reduced/capped injection volumes.

Coordination with the Osage Minerals Council and Osage Nation leadership has included: EPA attendance at an Osage Minerals Council meeting to provide an update, a conference call with Osage Nation Principal Chief Geoffrey Standing Bear and staff, six conference calls with the Osage Minerals Council during September-November 2016, update provided to Osage Minerals Council December 2016 Oil & Gas Summit and development of SharePoint site to share information with the Osage Minerals Council.

### Osage Minerals Reserve Background

Osage County is the largest county in Oklahoma by area with a total area of 2,304 square miles. The Osage Nation owns all subsurface mineral rights within Osage County, as the rights were retained when surface lands were allotted in 1906 (Osage Allotment Act of 1906, 34 Stat. 539). There are approximately 2300 oil and gas related injection wells in the country. Today, private citizens own about 90% of the surface in Osage County, with the Osage Nation and Osage Nation members owning the rest.

UIC Program—Osage County

The Osage Nation Tribal Council is located in Pawhuska, Oklahoma. The Osage Minerals Council is vested by the Osage Nation Constitution to develop and administer the Osage Mineral Estate. BIA, under delegation from the Secretary of the Interior, administers the development of oil and gas resources in Osage County for the benefit of the Osage Nation. Leases are subject to the consent of the Osage Minerals Council and approval of the BIA Superintendent. The Osage Nation Environmental and Natural Resources Department within the Osage National Tribal Council works under a Memorandum of Agreement (MOA) with EPA to operate the UIC Program, encompassing both enhanced recovery and disposal operations.

EPA Region 6 directly implements UIC regulations in the Osage Mineral Reserve. The Ground Water/UIC Section in the Water Division is responsible for preparing the permits required to legally conduct those underground injection operations. The Compliance Assurance and Enforcement Division works with the Nation’s environmental program to inspect and observe actions such as pluggings and mechanical integrity tests.

KEY EXTERNAL STAKEHOLDERS:

Congress	× Industry	States	× Tribes	Media	× Other Federal Agency
NGO	× Other (name of stakeholder) <u>Livestock Producers</u>				

EPA Region 6 has engaged in tribal coordination and tribal consultation on these issues. EPA Region 6 has also engaged OCC, BIA, USGS, and producers in Osage County on these issues.

MOVING FORWARD:

EPA Region 6 will continue to engage the Osage Minerals Council and the Osage Nation on seismicity issues as they arise, and work with the Osage Environmental staff through the GAP program and UIC grants.





# SSO ENFORCEMENT-CORPUS CHRISTI

## SUMMARY:

Corpus Christi is a medium size coastal city located on the Gulf of Mexico and the eighth largest city in Texas. Performance evaluations of Corpus Christi's Sanitary Sewer Overflows (SSOs) indicate that Corpus Christi has had an extensive SSO problem for the past 20 years. In a 5-year period beginning in 2007, EPA identified and confirmed over 4,000 SSOs. The City has a separate storm sewer system. Comparatively, the volume and number of SSO incidents exceed that of other municipalities in Texas. Corpus Christi owns and operates six wastewater treatment plants (WWTPs). Performance and operating assessments of the WWTPs indicate 120 effluent violations since 2007 from its plants. The City repeatedly violated effluent limits set forth in its National Pollutant Discharge Elimination System (NPDES) permit for flow, enterococci, fecal coliform, total suspended solids, biological oxygen demand, ammonia, nitrogen, residual chlorine and pH. The violations include: (1) exceedance of the City's State-issued NPDES permit caused by untreated discharges of sewage from the waste water collection system, (2) failure to comply with operation and maintenance conditions contained in its permits due to WWTP discharges, (3) exceedances of effluent limits contained in permits due to WWTP discharges, (4) discharges of untreated wastewater into waters of the United States and State waters without a permit, and (5) creating an imminent risk of harm to human health and the environment by causing dangerously high levels of bacteria in recreational waters located in and around the City. As a result, the Region referred the case to the U.S. Department of Justice in August 2011 to address unauthorized SSO and effluent discharges in violation of the Clean Water Act.

## UPCOMING MILESTONES:

EPA, DOJ, and the State of Texas have been actively negotiating a possible settlement with Corpus Christi. The Parties are close to settlement. A settlement proposal was recently offered to the City by the United States in which Corpus Christi shall pay a civil penalty of \$1 million that will be split between Texas and the United States, along with a Supplemental Environmental Project (SEP) valued at \$600,000. Corpus Christi has agreed to conduct corrective actions to address its sewer collection system and wastewater treatment plants. The City asserts that these efforts will cost more than \$632 million over the next 10 years and \$885 million over the next 30 years. The Parties have not agreed to all the Consent Decree (CD) language and are currently resolving remaining issues. It is EPA's goal, if settlement is reached, to lodge a consent decree with the court in a few months.

## BACKGROUND:

Corpus Christi is in Nueces County, Texas, with a population of 305,215. It has seen a 10% growth rate since 2000. Drinking water for the City is supplied by two reservoirs, Lake Corpus Christi and the Choke Canyon Reservoir. Through a regional partnership with the Nueces River Authority and the Port of Corpus Christi Authority, a 101-mile (163 km) pipeline was built which transports water from Lake Texana to the City. The City Wastewater Treatment Department manages and services approximately 92 wastewater lift stations and six waste water treatment facilities with an annual maintenance budget of approximately \$ 1.7 million. The City's wastewater service area is primarily within the Corpus Christi city limits covering approximately 137 square miles and consists of over 1,200 miles of gravity mains and 58 miles of forced mains, and it has an annual maintenance budget of approximately \$ 3.9 million.

The City is located on Oso Bay, Nueces Bay, Corpus Christi Bay and the Gulf of Mexico, and is one of the most heavily used recreational, fishing and beach areas in south Texas. However, there are environmental and public health concerns since receiving streams in Corpus Christi are impaired due to pathogens. Additionally, the beaches around Corpus Christi are impacted by pathogens which result in regular beach warnings and closures.

It is the goal of EPA to achieve injunctive relief through (1) evaluation and repair of the wastewater collection system, (2) minimization/elimination of SSOs, (3) development and implementation of area wide Capacity Management, Operations and Maintenance (CMOM) program, and (4) to improve ambient water quality.

The City of Corpus Christi contains a number of Environmental Justice areas affected by the wastewater treatment and sanitary sewer systems. Consequently, a SEP is also included in the CD which will benefit these areas. The SEP will be designed to reduce flows entering the Nueces River through individual residential septic systems or defective Waste Collection and Transmission System (WCTS) infrastructure. The SEP will provide for the installation of new private laterals or for the repair of defective private laterals at no cost to eligible residents. The City shall provide information to eligible residential property owners advising of the potential availability of the SEP, scope of work, and contact information if they are interested in participating in the private lateral SEP program. .

#### KEY EXTERNAL STAKEHOLDERS:

Congress	Industry	× States	Tribes	Media	Other Federal Agency
NGO	Other (name of stakeholder) _____				

The State of Texas is represented by the Texas Attorney General's Office and the Texas Commission of Environmental Quality.

#### MOVING FORWARD:

Texas has been actively involved in the negotiations; however, there are some consent decree issues that have not been resolved involving the State issued permits for two wet weather facilities. These facilities will receive new permits that will not authorize discharges. However, because it is not possible to immediately eliminate the discharges from the facilities, the Parties have specified corrective action to be taken until the discharges are eliminated. The Parties are addressing this situation with consent decree language, but the language has not been resolved. There is also an issue regarding future assets that are annexed.

Negotiations have been slowed because of personnel changes by Houston.

The Parties are negotiating to finalize the language of the consent decree. Once finalized and signed by the Parties, the consent decree will be lodged with the court.



# SSO ENFORCEMENT - HOUSTON

## SUMMARY:

Performance evaluation in 2009 of Houston's Sanitary Sewer Overflows (SSOs) indicated that Houston has the most extensive SSO problem in Region 6. In a five-year period, EPA identified more than 18,000 SSOs. Houston has a significantly greater number of SSOs than other large municipalities across the country. In addition to the SSOs, the performance evaluation of the WWTPs also indicated a large number of effluent violations from many of the Houston WWTPs. As a result, the Region referred the case to the U.S. Department of Justice (DOJ) in January of 2009 to address the SSO and effluent violations of the CleanWater Act.

## UPCOMING MILESTONES:

EPA, DOJ, and the State of Texas have been actively negotiating a possible settlement with Houston, and the Parties are close to settlement. There is an agreement in principle in which Houston will pay a penalty of \$4.4 million that will be split between Texas and the United States and a Supplemental Environmental Project (SEP) of \$1.5 million. Houston has agreed to corrective action of its sewer collection system and wastewater treatment plants that will likely cost more than \$5 billion over a period of 22 years and possibly up to 27 years. The Parties have not agreed to the consent decree language and are trying to resolve remaining issues. It is the Region's goal, if a settlement is reached, to lodge a consent decree with the court in a few months.

## BACKGROUND:

The City of Houston owns and operates 40 wastewater treatment plants (WWTPs) and is the second largest municipality in the United States with a separate sewer system.

**KEY EXTERNAL STAKEHOLDERS:**

Congress      Industry      States      Tribes      Media      Other Federal Agency  
NGO      Other (name of stakeholder)\_\_\_\_\_

The State of Texas is represented by the Texas Attorney General’s Office and the Texas Commission of Environmental Quality.

**MOVING FORWARD:**

Texas has been actively involved in the negotiations; however, there are some consent decree issues that have not been resolved involving the State issued permits for two wet weather facilities. These facilities will receive new permits that will not authorize discharges. However, because it is not possible to immediately eliminate the discharges from the facilities, the Parties have specified corrective action to be taken until the discharges are eliminated. The Parties are addressing this situation with consent decree language, but the language has not been resolved.

The Parties are negotiating to finalize the language of the consent decree. Once finalized and signed by the Parties, the consent decree will be lodged with the court.



# DONNA CANAL AND RESERVOIR SYSTEM SITE, HIDALGO COUNTY, TX

## SUMMARY:

The Donna Reservoir and Canal System Superfund Site is located in Hidalgo County, Texas, near the Texas/Mexico border. The local irrigation district pumps water from the Rio Grande River and transfers the water through several miles of canals for irrigation and drinking water supply. The canal system is contaminated with polychlorinated biphenyls in the surface water, sediment, and fish. Local residents catch and consume contaminated fish from the canal despite no-fishing orders issued by the State. Because land ownership issues have delayed the execution of a final remedy for the site, EPA implemented a fish removal from the canal in June 2017 as an interim measure.

## UPCOMING MILESTONES:

Since 2008 EPA conducted several fish removal actions to prevent consumption of contaminated fish. To date, nearly 40,000 fish have been removed and a public outreach program has focused on informing the public to avoid fishing in the system. Despite these efforts, the fish population rebounded and people resumed consuming contaminated fish. EPA therefore conducted another fish removal action in early 2017.

## BACKGROUND:

The canal system is contaminated with polychlorinated biphenyls in the surface water, sediment, and fish. Local residents catch and consume contaminated fish from the canal despite no-fishing orders issued by the State. Because land ownership issues have delayed the execution of a final remedy for the site, EPA implemented a fish removal from the canal in June 2017. Extensive EPA studies have identified the source of contamination as a large, 90-year-old 1,200-foot-long, underground pipe. A remedy for the site has not been proposed due to conflicting information regarding ownership of portions of the pipe and canal. It is anticipated that the State of Texas will have to provide a match of at least 50% for the Site costs due to the liability of the Donna Irrigation Drainage District, which is a political subdivision of the State. EPA expects to issue a proposed plan of action for public input later this year.

KEY EXTERNAL STAKEHOLDERS:

Congress      Industry      ☒ States      Tribes      ☒ Media      Other Federal Agency  
NGO      Other (name of stakeholder)

There is significant public interest from environmental groups, local community, state, and federal elected officials.

MOVING FORWARD:

Extensive EPA studies have identified the source of contamination as a large, 90-year-old 1,200-foot-long, underground pipe. A remedy for the site has not been proposed due to conflicting information regarding ownership of portions of the pipe and canal. EPA is working with federal, state and local government stakeholders to clarify ownership. EPA expects to issue a proposed plan of action for public input later this year.



# PETITION TO WITHDRAW TEXAS'S FEDERALLY APPROVED/AUTHORIZED PERMITTING PROGRAMS

## SUMMARY:

On January 11, 2016, the Environmental Defense Fund and Caddo Lake Institute filed a Petition for Administrative Action with EPA Region 6 asking EPA to withdraw National Pollutant Discharge Elimination System (NPDES) permitting authority under the Clean Water Act (CWA) from the Texas Commission on Environmental Quality (TCEQ) and requesting that EPA find Texas's new source review (NSR) permitting program under the Clean Air Act (CAA) substantially inadequate.

The Petition alleges that recent amendments to Texas's Contested Case Hearing process restrict TCEQ from implementing its authorized and approved CWA and CAA programs in accordance with Federal law by 1) restricting the public's ability to obtain judicial review of TCEQ's permitting decisions, 2) reducing opportunities for public participation by increasing the burden on permit opponents in a Contested Case Hearing, and 3) providing inadequate resources for implementation and enforcement of the CWA and CAA.

## UPCOMING MILESTONES:

EPA has initiated an initial, informal investigation into the allegations in the Petition. The objective of the informal investigation, which is provided for under the CWA and EPA's implementing regulations, is to gather enough information to reach a preliminary assessment as to whether cause exists to initiate formal withdrawal proceedings.

EPA has met with the Petitioners (via conference call) and TCEQ to gather information related to the allegations in the Petition. There is no statutory or regulatory deadline for completion of the informal investigation.

## BACKGROUND:

In 2015, Texas adopted amendments to its Contested Case Hearing process, some of which may restrict public participation in the permitting process in ways problematic to Texas's federally approved/authorized permitting programs. When the amendments were originally proposed for public comment, EPA provided comments on the record, and the Petition raises some of the same issues addressed by EPA in its comments.

In its comments, EPA stated that it believed some of the proposed revisions could jeopardize the State's ability to fulfill the Federal judicial review requirements for Texas's CWA, Resource Conservation and Recovery Act, Safe Drinking Water Act and CAA permitting programs.

EPA also stated that its review of the revisions had raised questions concerning the role of the Contested Case Hearing in TCEQ's public participation process and whether the role had shifted away from the role described by TCEQ and the Texas Attorney General during authorization of the Texas NPDES program and the Texas Title V programs. If so, EPA would need to ensure that these programs continue to meet the requirements for judicial review under the CWA and CAA.

Due to concerns that State law governing citizen standing would not meet applicable requirements for judicial review under the CWA, EPA based its 1998 authorization of the Texas NPDES program upon a finding that participation in a Contested Case Hearing was not a prerequisite to judicial review. Specifically, EPA was concerned that the State's "affected person" standard for standing in Contested Case Hearings was more restrictive than the Federal standing requirements for judicial review under Article III of the U.S. Constitution, which are applicable to State programs under the CWA and CAA. In response to this concern, Texas assured EPA through a series of letters and an Attorney General's Statement that citizens could obtain judicial review of State permitting decisions without being an "affected person" and without participating in a Contested Case Hearing. Instead, citizens could seek judicial review directly in State district court, where, according to the Texas Attorney General, standing requirements are substantially equivalent to the Federal standard.

However, recent State court decisions, as well as recent statements by the Texas Attorney General, indicate this may no longer be true. In a 2013 brief filed with the Texas Court of Appeals in a case involving appeal of a Texas NPDES permit, *Sierra Club and Public Citizen v. TCEQ*, the Texas Attorney General asserted that participation in a Contested Case Hearing in regard to a water quality permit is an essential component of the exhaustion of administrative remedies, and thus a prerequisite to judicial review. The Court of Appeals' 2016 decision in that case sided with the State, finding that a person wishing to appeal a water permit under the State's authorized NPDES program is required to demonstrate that he is an "affected person" under State law and fully participate in a Contested Case Hearing in order to exhaust his administrative remedies before seeking judicial review.

Both EPA's comments and the Petition also cite concerns regarding the criteria that the Texas State Office of Administrative Hearings can consider when making a determination of an "affected person." As discussed above, it now appears that a hearing requestor must be an "affected person" in order to exhaust the administrative remedy of a Contested Case Hearing before filing a lawsuit. If that is so, the criteria for "affected person" must comport with Article III standing as required by the applicable Federal statutes.

#### KEY EXTERNAL STAKEHOLDERS:

Congress NGO	Industry Other (name of stakeholder)	States	Tribes	Media	Other Federal Agency
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Industry, Environmental Groups, Citizens

#### MOVING FORWARD:

On February 3, 2017, EPA received additional information from TCEQ relating to the allegations in the Petition and EPA's concerns as to whether Texas's standard for "affected person" comports with the standing requirements of Article III of the U.S. Constitution.

EPA will review this information and continue to work closely with the State and the Petitioners to seek resolution of this matter.





# 8-HOUR OZONE EXCEPTIONAL EVENT REQUEST FOR EL PASO, TEXAS

## SUMMARY:

On September 27, 2016, the Texas Commission on Environmental Quality (TCEQ) submitted an exceptional event exceedance demonstration package to EPA Region 6. The TCEQ requested EPA's concurrence that an exceedance of the air quality 8-hour ozone concentration value on June 21, 2015, at the University of Texas at El Paso monitor was due to an exceptional event. The TCEQ claimed the exceptional event was caused by wildfire emissions from southeastern Arizona.

EPA is reviewing TCEQ's exceptional events package on the exceedance of the 8-hour ozone concentration (77 parts per billion or ppb) during the hours of 1100-1800 LST on June 21, 2015, to determine if the exceedance was caused by an exceptional event.

EPA reviewed CAMx modeling submitted by the TCEQ and found that the model overestimated the fire impact because all regional United States and Mexico fire emissions for June 21, 2015, were used instead of the fire emissions from the five fires defined as the causative agents in the TCEQ exceptional event package. The ground level meteorological conditions on June 21, 2015, were optimum for local ozone production from local emission sources (i.e., low wind speeds throughout the day, high temperatures over 90 degrees F, and high solar radiation). EPA also evaluated the drop in dew point temperature and the positive correlation between ozone and fine particulate matter seen on June 21, 2015; EPA determined these were normal occurrences as they have occurred on multiple other 8-hour ozone exceedance days from 2010-2015.

## UPCOMING MILESTONES:

While there are no regulatory timelines requiring an EPA decision on an exceptional event package, the States were required to recommend areas within their jurisdiction for attainment, non-attainment and attainment/unclassifiable of the 2015 national ambient air quality standards (NAAQS) for ozone on October 1, 2017. EPA will designate areas for attainment and non-attainment for the 2015 NAAQS for ozone on October 1, 2017, issuing a letter proposing designation 120 days prior to final designation. The 2015 timeframe in which the TCEQ's-claimed exceptional event occurred will be one criterion used for TCEQ's attainment designation for El Paso.

## BACKGROUND:

The EPA promulgated the Exceptional Events Rule (EER) in 2007 (see 72 FR 13560, March 22, 2007), here referred to as "EER of 2007," pursuant to the 2005 amendment of the Clean Air Act Section 319. The EER of 2007 was in effect until September 30, 2016, when a revised EER was issued (see 81 FR 68216, October 3, 2016), here referred to as "EER of 2016." The demonstration package was submitted in accordance with the EER of 2007 since it was submitted on September 27, 2016. The evaluation of the demonstration package acknowledges the 2007 rule criteria, as requested by the TCEQ. The procedural elements of the EER of 2007 require air agencies to flag claimed event-influenced data resulting in a monitored exceedance or violation in the EPA's Air Quality System database, provide the

EPA with an initial description of the event, and document that the public comment process was followed.

Additionally, under 40 CFR §50.14(c)(3)(iv) of the EER of 2007, the air agency demonstration to justify exclusion of data must provide evidence that:

- A. “The event satisfies the criteria set forth in 40 CFR §50.1(j)” for the definition of an exceptional event;
  - The event “affects air quality.”
  - The event “is not reasonably controllable or preventable.”
  - The event is “caused by human activity that is unlikely to recur at a particular location or [is] a natural event.”
- B. “There is a clear causal relationship between the measurement under consideration and the event that is claimed to have affected the air quality in the area;”
- C. “The event is associated with a measured concentration in excess of normal historical fluctuations, including background;” and
- D. “There would have been no exceedance or violation but for the event.”

EPA is reviewing the TCEQ demonstration with respect to these criteria. Because the EER of 2016 is now effective, we also addressed our review of the TCEQ demonstration under the provisions of the EER of 2016. After considering the information and analyses in the demonstration, the EPA reviews the demonstration package using a weight of evidence approach and decides to concur or not to concur with each flag. Air agencies must satisfy all of the EER criteria for the EPA to concur on an exceptional event claim.

#### KEY EXTERNAL STAKEHOLDERS:

Congress ASTDR	✕ Industry NGO	✕ States Other (name of stakeholder)	Tribes	Media	Other Federal Agency
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EPA, TCEQ and industry representative met in Dallas on January 24 and March 10.

#### MOVING FORWARD:

Conference calls and meetings involving EPA, TCEQ and industry have occurred to discuss the technical aspects of the review of the exceptional event package and additional materials. TCEQ submitted a regression analysis, which is now under review. EPA is committed to review any new information presented by TCEQ.

LEAD OFFICE / EPA REGION 6

OTHER KEY OFFICES: OAR/OAQPS/OGC



# TEXAS REGIONAL HAZE BART FEDERAL IMPLEMENTATION PLAN

## SUMMARY:

EPA Region 6 published a proposed Federal Implementation Plan (FIP) in the Federal Register on January 4, 2017, concerning the Best Available Retrofit (BART) requirements of the Regional Haze Rule. This proposal involved our review of certain portions of Texas' plans for improving regional haze, and for controlling the transport of pollution that would impair visibility in other states. This included proposing air pollution controls for 16 Texas coal-fired power plants.

- We proposed Sulfur Dioxide (SO<sub>2</sub>) emission limits for 29 Electricity Generating Units (EGUs). This includes emission limits corresponding to the installation of SO<sub>2</sub> scrubbers at 12 EGUs, emission limits corresponding to the upgrading of scrubbers at 4 EGUs, and an emission limit corresponding to the maintenance of scrubbers at 2 EGUs.
- We proposed PM limits for 11 EGUs that either fire gas exclusively, or fire gas in conjunction with fuel oil. We do not anticipate that any additional PM controls will be needed to comply with these limits.
- Our proposed limits would be expected to reduce emissions of SO<sub>2</sub> from 16 EGUs and would cut emissions by about 89 to 98 percent, resulting in a reduction of over 194,000 tons of SO<sub>2</sub> per year.

## UPCOMING MILESTONES:

We recently extended our public comment period by 30 days to 4/5/17. Under Court Order Consent Decree, we must finalize our decision by 9/9/17.

## BACKGROUND:

Haze is caused when sunlight encounters tiny pollution particles in the air and is either absorbed by particles or scattered away before it reaches an observer. More pollutants mean more absorption and scattering of light, which reduce the clarity and color of what is seen. EPA and states must carry out Congress's direction under the federal Clean Air Act (CAA) sections 169A and 169B to improve visibility at certain national parks and wilderness areas, known as Class I areas. This includes a requirement to determine and implement BART for certain older sources of pollution that contribute to problems of haze and visibility impairment.

- Texas' regional haze State Implementation Plan (SIP) relied on participation in our Clean Air Interstate Rule (CAIR) as an alternative to meeting the source-specific BART requirements for sulfur dioxide and nitrogen oxides for power plants. At the time Texas submitted its SIP to EPA, however, the D.C. Circuit Court had remanded CAIR (without vacating the rule) back to EPA.
- EPA intended to replace CAIR with the Cross State Air Pollution Rule (aka CSAPR). A number of states, including Texas, challenged CSAPR in court. On July 28, 2015, the D.C. Circuit issued a decision generally upholding CSAPR but remanding without vacating the CSAPR emissions budgets for a number of states, including Texas.
- We had earlier proposed to rely on CSAPR participation to address these BART-related deficiencies in Texas' SIP submittals. Because of the uncertainty caused by the D.C. Circuit Court's partial remand, however, we did not finalize that action. We are in the process of responding to the remand of these CSAPR budgets.

- On October 26, 2016, we finalized an update to the CSAPR rule that addresses the 1997 ozone NAAQS portion of the remand and the requirements of CAA section 110(a)(2)(D)(i)(I) for the 2008 ozone NAAQS. This rule promulgated a new FIP for Texas that replaced the CSAPR ozone season NO<sub>x</sub> emission budget designed to address the 1997 ozone NAAQS for the State with a revised budget designed to address the requirements of CAA section 110(a)(2)(D)(i)(I) for the 2008 ozone NAAQS.
- On November 10, 2016, we proposed to withdraw the FIP provisions that require affected power plants in Texas to participate in CSAPR for annual emissions of SO<sub>2</sub> and NO<sub>x</sub> with regard to emissions after 2016. Withdrawal of these FIP requirements will address the D.C. Circuit's remand of the CSAPR Phase 2 SO<sub>2</sub> budget for Texas.
- We are proposing that Texas' Phase 2 ozone season NO<sub>x</sub> participation will provide it with NO<sub>x</sub> BART coverage for power plants. However, in expectation that Texas would no longer be included in CSAPR for SO<sub>2</sub>, Texas will no longer have SO<sub>2</sub> BART coverage. We are also unable to propose approval of the Texas Regional Haze SIP's PM BART evaluation, as previously proposed, as that demonstration made underlying assumptions that are no longer valid with the withdrawal of the CSAPR SO<sub>2</sub> budgets.
- The State of Texas has not acted to adopt an SO<sub>2</sub> budget that would allow us to approve an SO<sub>2</sub> BART alternative, or to submit a SIP to otherwise address the outstanding PM and SO<sub>2</sub> BART requirements. As a result, the Clean Air Act requires the EPA to address the requirements with a federal implementation plan. The proposed plan includes BART screening of sources and a source-by-source analysis for SO<sub>2</sub> and PM BART and controls for these pollutants as appropriate.

**KEY EXTERNAL STAKEHOLDERS:**

Congress	<input checked="" type="checkbox"/> Industry	<input checked="" type="checkbox"/> States	Tribes	Media	Other Federal Agency
<input checked="" type="checkbox"/> NGO	Other (name of stakeholder) _____				

TCEQ, various environmental organizations, power companies in Texas

**MOVING FORWARD:**

Region 6 staff plan on taking most of the summer to organize and respond to the comments received. We expect that the response to comment document will approximate that of our previous Texas regional haze FIP of about 1,000 pages.

Region 6 has had extensive conversation with Texas to determine the most appropriate path forward.



# SAN JACINTO WASTE PITS HOUSTON, TX

## SUMMARY:

The San Jacinto River Waste Pits Superfund Site is situated east of Houston, Texas. Pits were built in the mid-1960s along the banks of the San Jacinto River and used for disposal of pulp wastes containing dioxins. Dioxins are highly toxic and can cause cancer and developmental problems. The waste pits are partially submerged in the river due to regional subsidence. A temporary armored cap was completed in 2011 under an EPA order to prevent continuing releases and direct contact with the waste material. A final permanent remedy is under consideration by EPA.

## UPCOMING MILESTONES:

To support the final remedy, an investigation and assessment of cleanup alternatives was conducted and EPA issued a proposed plan of action in September 2016 for public comment. The proposed plan recommended removal of 200,000 cubic yards' waste material and disposal at an off-site disposal facility. The estimated cost is \$98 million. Other, less costly, cleanup alternatives considered include capping and solidification in place. The 60-day comment period was extended 45 days by request to allow more time to consider the complex site issues. The EPA is reviewing and preparing responses to the extensive comments (over 6,000 written comments, 48,000 signatures on petitions, and about 2,800 pages of detailed technical comments) received during the public comment period.

## BACKGROUND:

The San Jacinto River Waste Pits Superfund Site is situated east of Houston, Texas. Pits were built in the mid-1960s along the banks of the San Jacinto River and used for disposal of pulp wastes containing dioxins. The waste pits are partially submerged in the river due to regional subsidence.

**KEY EXTERNAL STAKEHOLDERS:**

☒ Congress    ☒ Industry    ☒ States    Tribes    ☒ Media    Other Federal Agency  
 NGO    Other (name of stakeholder) \_\_\_\_\_

There is significant public interest from environmental groups, local community, the local media, as well as local, state, and federal elected officials.

**MOVING FORWARD:**

EPA is required to respond to all public comments prior to selection of the final remedy. Other factors that must be considered include protection of human health and long-term effectiveness. The determination of long-term effectiveness is critical at this site due to the location in a dynamic river system that is susceptible to storms and hurricanes. The EPA recommended removal to address the risk of a hurricane causing a sudden large release of dioxin wastes should the cap fail. EPA is currently preparing responses to the detailed technical comments on the proposed plan and expects to issue a final cleanup decision later this year. Due to the cost of the remedy, the EPA Administrator will sign the final Record of Decision.



# WASTE CONTROL SPECIALISTS (WCS) ANDREWS COUNTY, TEXAS

## SUMMARY:

In April 2014, transuranic (TRU) waste mixed with hazardous waste was shipped from Los Alamos National Lab (LANL) to Waste Control Specialists (WCS) in Andrews County, Texas, for temporary storage. This waste would normally have been shipped directly to the Waste Isolation Pilot Plan (WIPP) in southeastern New Mexico, but the WIPP was closed due to a radiation release in February 2014. It was eventually determined that a portion of the LANL waste at WCS was a part of the same waste stream as the waste that led to the radiation release at WIPP. That portion (120 containers) was segregated at WCS for safety reasons and placed in a landfill. The Department of Energy (DOE) is now planning to ship 462 of the 582 containers that are not of the suspect waste stream from WCS to WIPP for emplacement in April and May 2017. The remaining 120 containers will require further treatment before they can be shipped.

## UPCOMING MILESTONES:

DOE plans to ship 462 containers of TRU waste from WCS to WIPP between April 3, 2017, and May 31, 2017. All shipments will be escorted by DOE and shipments are expected to be completed in two weeks once they begin. DOE is coordinating shipments with the New Mexico Transportation Commission.

## BACKGROUND:

WCS is a commercial waste transfer, treatment, storage and disposal facility located in Andrews County Texas, about 30 miles west of the town of Andrews near the Texas/New Mexico Border. WCS is about 100 miles from the WIPP, located in Southeastern New Mexico. WCS is regulated by the Texas Commission on Environmental Quality (TCEQ) through their hazardous waste program and by the Nuclear Regulatory Commission (NRC). EPA's role is oversight of the TCEQ hazardous waste program.

DOE entered into a contract with WCS to temporarily store 582 containers of waste from LANL that could not be shipped to WIPP due to the radiation incident on February 14, 2014. After this waste was shipped to WCS, DOE determined that a portion (120 containers) of the LANL waste streams was treated with organic kitty litter and that the organic nature of the material, mixed with the nitrate salts of the waste, contributed to the heat event that led to the release at the WIPP. LANL informed WCS that the waste may be highly reactive to temperatures above 130 degrees Fahrenheit. In order to keep the temperature under control in the West Texas heat, the 120 containers were placed in Modular Concrete Canisters (MCC) and moved to the floor of the Federal Waste Facility where each MCC is monitored.

**KEY EXTERNAL STAKEHOLDERS:**

Congress      ☒ Industry      ☒ States      Tribes      Media      ☒ Other Federal Agency  
 NGO      Other (name of stakeholder) \_\_\_\_\_

WCS has a positive relationship with Andrews County and has strong community support for their operations.

**MOVING FORWARD:**

To address the remaining 120 containers of waste at WCS, DOE/LANL developed a plan to treat and dispose of similar waste currently being stored at LANL. LANL has begun treatment of this waste, and lessons learned during this process will be used to address the waste remaining at WCS. Possible options for the WCS waste include: (1) returning it to LANL, (2) treat the waste at WCS and send to WIPP, (3) ship to another DOE facility for storage, and (4) treat waste at WCS before final disposal at WCS. TCEQ has expressed a strong desire to have the waste removed from WCS and sent to the WIPP, but until DOE and TCEQ agree on a path forward the waste will remain at WCS in the landfill. DOE/WCS must comply with Department of Transportation and EPA shipping regulations (RCRA Part 263) for transporting mixed waste. The waste must be shipped to a facility permitted to accept the mixed and/or TRU waste in approved containers.





# CHACO CANYON – PROPOSED FARMINGTON MANAGEMENT PLAN (RMP) AMENDMENT BLM AND BIA

## SUMMARY:

EPA Region 6 involvement related to unconventional oil and natural gas (UOG) exploration and development in the vicinity of Chaco Canyon in northwestern New Mexico.

## UPCOMING MILESTONES:

In August 2017, as a Cooperating Agency, Region 6 will review the draft Alternatives.

In September 2017, the Public will review the draft alternatives summary information.

In April 2018, as a Cooperating Agency, Region 6 will review preliminary Draft Environmental Impact Statement (EIS)

In August 2018, BLM/BIA will publish the Draft EIS.

## BACKGROUND:

On January 25, 2017, the Bureau of Land Management (BLM) leased nearly 850 acres of land for UOG development in Chaco Canyon, netting close to \$3 million. The sale had been postponed three times over the last five years because of concerns relating to the proximity to Chaco Culture National Historical Park- a United Nations Educational, Scientific and Cultural Organization World Heritage site and an International Dark Sky Park.

While Chaco Canyon and its ruins, such as Pueblo Bonito, are protected from development, as is a 10-mile buffer around the park, surrounding areas are not. Chaco is the core of a much larger Ancestral Puebloan civilization that extended for hundreds of miles in the central San Juan Basin from about 900 to 1150 A.D. The land today is sacred to Navajo, Hopi, Zuni and other Pueblo Indians, and bears remnants of a system of 30-foot-wide roads radiating outward from Chaco Canyon, as well as extensive ruins, artifacts and even lunar calendars etched into boulders. None of those have yet been studied thoroughly by archaeologists.

About 90 percent of the Chaco Canyon area has already been leased for UOG development, and Tribal and NGO representatives fought to exclude the remaining areas. They succeeded in delaying this lease sale multiple times over concerns that hydraulic fracturing and horizontal drilling would harm public health and the environment. A petition signed by 650 residents and industry representatives, however, asked the BLM to allow the sale to proceed for the jobs and revenue it would generate.

The leased parcels will not be released to the winning bidders by BLM until several protests filed against the leases have been resolved.

**KEY EXTERNAL STAKEHOLDERS:**

Congress	x Industry	x States	x Tribes	Media	x Other Federal Agency
NGO	x Other (name of stakeholder) BLM, BIA and R9				

The BLM is preparing an EIS under NEPA related to UOG production for leased parcels. BLM asked Region 6 to participate in the development of the EIS as a Cooperating Agency. A federal, state, tribal or local agency having special expertise with respect to an environmental issue or jurisdiction by law may be a cooperating agency. A cooperating agency has the responsibility to: assist the lead agency by participating in the NEPA process at the earliest possible time; participate in the scoping process; develop information and prepare environmental analysis that the agency has special expertise in; and make staff support available. In February 2017, EPA Region 6 agreed to participate as Cooperating Agency.

- February 27, 2017, Detailed Scoping Comments for the NOI to Prepare an Environmental Impact Statement for the

Proposed Farmington Resource Management Plan Amendment in New Mexico from Region 6 to BLM.

- During the Summer of 2017, a Memorandum of Understanding Between the Department of Interior, Bureau of Land Management, Farmington Field Office and the Bureau of Indian Affairs, Navajo Region, and Region 6, will be signed.

- The Tribes located in the Planning Area:

- o Jicarilla Apache (R6)

- o Navajo (R6/9)

- o the Ute Mountain Ute Tribe (R8)

**MOVING FORWARD:**

On May 25, 2017, BLM/BIA conducted a kick-off cooperating agency meeting to discuss the proposed NEPA project and schedule. This is part of a series of monthly meetings. BLM/BIA invited sixty (60) federal, tribal, state, and local agencies to join as Cooperating Agencies. As a cooperating agency, our regulatory interest is primarily for oil and gas operations and authority lies with the Navajo Nation, Region 9 and the state of New Mexico.



# GEORGIA-PACIFIC CROSSETT ENFORCEMENT FOR CLEAN AIR ACT VIOLATIONS

## SUMMARY:

The Agency is involved in settlement discussions related to Clean Air Act violations found during a National Enforcement Investigation Center (NEIC) inspection at the Georgia-Pacific complex in Crossett, Arkansas in 2015.

## UPCOMING MILESTONES:

Ongoing settlement discussions with Region 6, Department of Justice and Georgia-Pacific

## BACKGROUND:

Georgia-Pacific operates two facilities in Crossett, Arkansas: (1) Paper Operations which is a Kraft process pulp and paper mill, and (2) Chemical Plant that manufactures resins.

EPA's National Enforcement Investigation Center (NEIC) conducted concurrent inspections of both facilities February 3-12, 2015. Areas of Non-Compliance and Areas of Concern were noted at both facilities. The inspection reports were finalized in July and August 2015.

On December 3, 2015, a public meeting was held in Crossett to discuss the findings from the inspection with the community.

In 2016, Region 6 issued five administrative enforcement actions and settlements with the company stemming from the RCRA, RMP, and CWA violations in the NEIC inspection report at both the paper mill and chemical plant.

The Region referred the remaining violations to the Department of Justice on September 20, 2016. Those violations involve unauthorized emissions from the pulp washers and digesters at the paper mill.

**KEY EXTERNAL STAKEHOLDERS:**

× Congress	× Industry	× States	Tribes	× Media	Other Federal Agency
× NGO	Other (name of stakeholder)				

Please describe key concern(s):

- Crossett has emerged as a media story recently after the 2016 premiere of a documentary called “Company Town” and a number of articles in national publications like Newsweek and the New Yorker.
- The Tulane Environmental Law Clinic filed a Title VI complaint with EPA’s Office of Civil Rights on behalf of Ouachita Riverkeeper and Louisiana Environmental Action Network (“LEAN”).
- Reverend Bouie, a local pastor, serves as a leader and organizer for this community. Mr. Bouie represents the local group Concerned Citizens of Crossett for Environmental Justice (“CCCEJ”), which was formed to better address the community’s concerns with Georgia-Pacific.
- On February 10, 2017, Reverend Bouie sent an email to Tanya Lawrence, Acting Director, EPA Office of Civil Rights (currently the External Civil Rights Compliance Office) regarding the lack of notice to the community after a chemical spill occurred at Georgia Pacific on February 7, and requesting an update on the status of the civil rights petition filed by the Tule Environmental Law Clinic.
- Other residents of Crossett, including elected officials, civic leaders, and people employed at the Georgia-Pacific mill, are wary of EPA involvement and the negative attention their town has received in the past few years. The mill is the main source of employment for the area.

**MOVING FORWARD:**

The Region and Department of Justice will continue settlement discussions with Georgia-Pacific, which will culminate in a Consent Decree by the end of 2017.

**LEAD OFFICE / EPA REGION 6****OTHER KEY OFFICES: OECA/DOJ**



# GEORGIA-PACIFIC CROSSETT HYDROGEN SULFIDE AIR MONITORING

## SUMMARY:

Region 6 has supported the Arkansas Department of Environmental Quality and the Arkansas Department of Health to evaluate Hydrogen Sulfide (H<sub>2</sub>S) sample results from an ambient air monitor downwind from the Georgia-Pacific facility in the community of Crossett, AR. The facility is operating the monitor and providing the data to the State.

In response to elevated H<sub>2</sub>S readings at the ambient community air monitor, Region 6 conducted a 6-month passive air monitoring study on the facility grounds and in the nearby community to evaluate the sources and offsite impacts of H<sub>2</sub>S from the facility's wastewater treatment plant.

## UPCOMING MILESTONES:

EPA staff harvested samples on a biweekly basis and shared the sampling results from the onsite monitors with Georgia-Pacific. Georgia-Pacific conducted parallel sampling with collocated monitors.

The State accompanied EPA on one harvesting trip.

The monitoring period ended on June 30, 2017. Preliminary data analysis show elevated hydrogen sulfide levels in the community. EPA is now drafting a summary report to share with the public and plans to share the results at an upcoming public meeting.

## BACKGROUND:

Georgia-Pacific operates an integrated wood, paper, and chemical products complex directly adjacent to the north side of Crossett, Arkansas. The plants in the Crossett complex also share one process wastewater treatment system which eventually discharges to the Ouachita River, more than ten miles downstream of the plant.

The predominately African-American residents living near the Georgia-Pacific complex complain of frequent breathing problems, eye and throat irritation, corroded HVAC systems and vehicles, and bad smells.

EPA, ADEQ, ADH, and ATSDR initiated a voluntary 6-month monitoring project for hydrogen sulfide on October 1, 2014, funded by Georgia-Pacific and operated by TRC Solutions. The project has since been extended indefinitely due to increased frequency of elevated readings of H<sub>2</sub>S at the monitor. The continued citizen complaints and increased episodes of elevated H<sub>2</sub>S led EPA to pursue additional study of these emissions.

**KEY EXTERNAL STAKEHOLDERS:**

☒ Congress    ☒ Industry    ☒ States    Tribes    ☒ Media    ☒ Other Federal Agency  
☒ NGO    Other (name of stakeholder)

Please describe key concern(s):

Crossett has emerged as a media story recently after the 2016 premiere of a documentary called “Company Town” and a number of articles in national publications like Newsweek and the New Yorker.

The Tulane Environmental Law Clinic filed a Title VI complaint with EPA’s Office of Civil Rights on behalf of Ouachita Riverkeeper and Louisiana Environmental Action Network (“LEAN”).

Reverend Bouie, a local pastor, serves as a leader and organizer for this community. Mr. Bouie represents the local group Concerned Citizens of Crossett for Environmental Justice (“CCCEJ”), which was formed to better address the community’s concerns with Georgia-Pacific.

On February 10, 2017, Reverend Bouie sent an email to Tanya Lawrence, Acting Director, EPA Office of Civil Rights (currently the External Civil Rights Compliance Office) regarding the lack of notice to the community after a chemical spill occurred at Georgia Pacific on February 7, and requesting an update on the status of the civil rights petition filed by the Tule Environmental Law Clinic.

Other residents of Crossett, including elected officials, civic leaders, and people employed at the Georgia-Pacific mill, are wary of EPA involvement and the negative attention their town has received in the past few years. The mill is the main source of employment for the area.

**MOVING FORWARD:**

EPA plans to share the results with the community through a summary report that will be issued at the conclusion of the monitoring study and a public meeting.

Results of the monitoring may be used by Georgia-Pacific to undertake projects to control emissions along the facility’s wastewater treatment system.

LEAD OFFICE / EPA REGION 6

OTHER KEY OFFICES: OECA/ORD



# GULF OF MEXICO COASTAL RESTORATION AND OIL SPILL RECOVERY

## SUMMARY:

EPA Region 6 has actively engaged with our states to protect and restore water quality and coastal habitat in the Gulf of Mexico for over 25 years. Our restoration work in Texas and Louisiana areas impacted by coastal erosion and land loss, subsidence, tropical storms, and saltwater intrusion is now partnered with programs focused on restoring damage to the Gulf's natural and economic resources caused by the 2010 Deepwater Horizon (DWH) oil spill. Region 6 is a key participant in the federal/state planning bodies that will direct expenditure of approximately \$1 B in Texas and \$5 B in Louisiana to projects that restore habitat, water quality and recreational use in the Gulf of Mexico as payments are made over the next 14 years.

## UPCOMING MILESTONES:

- In fall 2017, Texas' final Restoration Plan and Environmental Assessment, detailing the restoration work funded with DWH-NRDA compensation monies, will be published. Region 6 is lead Federal Agency and work will benefit wetlands and oyster habitat.
- By August 10, 2017, EPA Region 6 will sign an MOU with other federal agencies on the Louisiana TIG to help expedite the environmental compliance work necessary to propose a major re-connection of the Mississippi River to its deltaic plain, which potentially could use \$1 B of the state's NRDA allocation.
- Projects to compensate for loss of coastal recreation from DWH will be selected at a Louisiana TIG meeting in late August 2017. Region 6 is the Lead Federal Agency for Recreational Uses Restoration Plan/ Environmental Assessment, with a plan going for public review by December of 2017.

## BACKGROUND:



The 10,000 miles of Texas and Louisiana Gulf shoreline is a working coast, supporting oil and gas production, shipping, petrochemical industries and commercial fishing. However, there are enormous challenges. The Louisiana coast has experienced the nation's highest rate of coastal land loss, with 2,000 square miles lost since the 1930's, expected to double over the next 50 years without intervening action. Compounding coastal erosion, the DWH spill of 4.9 billion gallons of oil into the Gulf damaged the beaches, marshes and economies. Region 6 has unique coastal restoration experience in the Agency, having worked with the Coastal Wetlands Planning, Protection and Restoration Act (CWPPRA) Task Force to plan and construct projects.

The region has completed nine projects, benefitting some 13,000 acres of wetlands,

marshes, and barrier islands. The regional staff has applied that experience in developing and vetting projects to address damages in the Gulf through the Natural Resources Damage Assessment Program (NRDA) and the Resources and Ecosystems Sustainability, Tourist Opportunities and Revived Economies of the Coast States Act (RESTORE). Region 6 is the federal lead for the NRDA Texas Trustee Implementation Group (TIG), and the federal lead to produce a plan to restore recreational uses in Louisiana damaged by DWH. Region 6's Water Division Director currently serves as the EPA representative on the RESTORE Council Steering Committee

**KEY EXTERNAL STAKEHOLDERS:**

Congress  
NGO

Industry      xStates  
Other (name of stakeholder)

xStates

Tribes

Media

x Other Federal Agency

LEAD OFFICE / EPA REGION 6

**OTHER KEY OFFICES: OECA/ORD**